JOURNAL

OF

THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON TUESDAY THE THIRTY-FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1833, AND OF THE COMMONWEALTH THE FORTY-SECOND.

FRANKFORT:

ALBERT G. HODGES, Printer for the State.

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THE SENATE.

AT a General Assembly begun and held, for the state of Kentucky, at the Capitol in the town of Frankfort, on Tuesday the thirty-first day of December, in the year of our Lord one thousand eight hundred and thirty-three, and in the forty-second year of the Commonwealth.

It being the day appointed by law, for the meeting of the General Assembly, James T. Morehead, Lieutenant Governor, appeared and took the chair, and the following members of the Senate ap-

peared and took their seats, to wit:

From the counties of Calloway, Hickman, McCracken and Graves, Thomas James; from the counties of Livingston, Caldwell and Trigg, Enoch Prince; from the counties of Christian and Todd, James Gholson; from the counties of Logan and Simpson, John B. Bibb; from the counties of Henderson, Union and Hopkins, Andrew Sisk; from the counties of Warren and Allen, Henry Grider; from the counties of Barren and Edmondson, Hezekiah P. Murrell; from the counties of Green and Hart, William T. Willis; from the counties of Cumberland and Monroe, Ambrose S. Bramlette; from the counties of Adair, Casey and Russell, Jesse Coffey; from the counties of Pulaski and Wayne, John McHenry; from the counties of Breckenridge, Hancock, Ohio and Daviess, William R. Griffith; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Hardin and Meade, George Roberts; from the city of Louisville and the counties of Jefferson and Bullitt, James Guthrie; from the counties of Oldham and Henry, Price Nuttall; from the county of Shelby, William G. Boyd; from the counties of Nelson and Spencer, Stilwell Heady; from the county of Washington, James McDonald; from the county of Mercer, Samuel Daviess; from the counties of Lincoln, Rockcastle and Laurel, Henry Owsley; from the county of Madison, James Dejarnatt; from the counties of Knox, Clay, Harlan and Whitley, John Gilbert; from the counties of Gallatin, Boone and Grant, Robert S. Dougherty; from the counties of Campbell and Pendleton, Richard Southgate; from the counties of Bracken and Nicholas, James Parks; from the counties of Franklin, Anderson and Owen, Cyrus Wingate; from the counties of Harrison and Scott. John O. Beaseman; from the county of Bourbon, John R. Thornton; from the county of Fayette, Richard H. Chinn; from the counties of Woodford and Jessamine, George I. Brown; from the counties of Montgomery and Bath, Aquilla Young; from the counties of Greenup, Lewis and Lawrence, William Conner; from the county of Mason, Robert Taylor; and from the counties of Clarke

and Estill, James Clark.

The said Enoch Prince, Henry Grider, William T. Willis, Ambrose S. Bramlette, Jesse Coffey, John McHenry, George Roberts, Price Nuttall, Stilwell Heady, James McDonald, Samuel Daviess, John Gilbert, Richard Southgate, John R. Thornton, Richard H. Chinn and Aquilla Young severally produced certificates of their having been duly elected, and took the several oaths required by the constitution of the United States, and the constitution and laws of this State.

James Stonestreet was elected Clerk of the Senate, Anthony Crockett Sergeant at Arms, and Littleberry Bachelor, Doorkeeper during the present session; whereupon they severally took the

oaths of office.

Mr. Boyd nominated Benjamin R. Pollard for the office of assistant Clerk to the Senate, Mr. Daviess nominated William S.

Scott, and Mr. Willis nominated Benjamin Selby.

Benjamin R. Pollard having obtained on the second vote, a majority of all the votes given, was duly elected; whereupon he took

the oath of office.

Ordered, That a committee for Courts of Justice be appointed, and a committee was appointed, consisting of Messrs. Wm. Owsley, Fleming, Guthrie, Chinn, Willis, Conner and James. Who are to take into consideration all matters relating to Courts of Justice, and such other matters as may from time to time, be referred to them, and report their proceedings, with their opinion thereupon to the Senate; and the said committee is to inspect the journal of the last session, and draw up a statement of the matters then pending and undetermined, and the progress made therein; also to examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and report the same to the Senate, with their opinion, which of them ought to be revived and continued.

Ordered, That a committee of Propositions and Grievances be appointed; and a committee was appointed, consisting of Messrs. Daviess, Cunningham, Beaseman, Roberts, McDonald, James and Murrell, together with such other members as may from time to time choose to attend, who are to take under consideration all propositions and grievances that may be referred to them, and report their proceedings, together with their opinion thereupon, to the

Senate.

Ordered, That a committee of Privileges and Elections be appointed; and a committee was appointed, consisting of Messrs.

Parks, Gholson, H. Owsley, Sisk and Gilbert; who are to take under consideration, and examine all returns of election of Senators, to serve in the General Assembly, and compare the same with the forms prescribed by law, and take into consideration all questions concerning elections, and such other matters as shall be, from time to time, referred to them, and report their proceedings, together with their opinion thereupon, to the Senate.

Ordered, That a committee of Religion be appointed; and a committee was appointed, consisting of Messrs. Wingate, H. Owsley, Boyd, Dejarnatt and Dougherty; who are to take under consideration all matters and things relating to religion and morality, and such other things as may, from time to time, be referred to them, and to report their proceedings, together with their opinion there-

upon, to the Senate.

Ordered, That a committee of Internal Improvement and Domestic Manufactures be appointed; and a committee was appointed, consisting of Messrs. Clark, Brown, Southgate, Grider, Heady, Griffith and Harris; who are to take into consideration all matters concerning the public highways and navigable streams, and relating to the condition and improvement of the manufactures of the country, and such other matters and things as may, from time to time, be referred to them, and report their proceedings, together with their opinion thereupon, to the Senate.

Ordered, That a committee of Finance be appointed; and a committee was appointed, consisting of Messrs. Taylor, Guthrie, Thornton, Gholson and Bramlette; who are to take under consideration all matters and things relating to, or connected with, the revenue and fiscal concerns of this Government, and such other matters and things as may be to them referred, from time to time, and to report their proceedings, together with their opinion thereupon, to the

Senate.

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Ordered, That a committee on Education be appointed; and a committee was appointed, consisting of Messrs Roberts, Bibb, Coffey, Young and Nuttall; who are to take into consideration all matters relating to education, and such other matters and things, as may be, from time to time, referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

Ordered, That a committee on the Penitentiary be appointed; and a committe was appointed, consisting of Messrs. Brown, Southgate, Harris, Beaseman and McHenry; who are to take into consideration all mattres and things relating to the Penitentiary, and such other matters and things as may be, from time to time, referred to them, and to report their proceedings, together with their opinion thereupon, to the Senate.

And each of said committees are to meet and adjourn from day to day, and shall have power to send for persons, papers and records

for their information.

Ordered, That a committee of Enrolments, on the part of the Senate, be appointed; and a committee was appointed, consisting of Messrs. Prince, Conner and Dougherty.

And then the Senate adjourned.

WEDNESDAY, JANUARY 1, 1834.

The Senate assembled. On motion of Mr. Daviess,

Ordered, That a message be sent to the House of Representatives informing that body that the Senate having met, and elected their officers, are now ready to proceed to legislative business.—Mr. Daviess was directed to carry the said message.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Daviess,

1. A bill to reduce the number of justices of the peace in the county of Mercer.

On the motion of Mr. Thornton,

2. A bill to repeal that part of an act of the general assembly, approved January 28th, 1833, exempting the town of Paris from the payment of a proportionate part of the tax on the lands of Bourbon.

On the motion of Mr. Bibb,

3. A bill to allow an additional constable to the county of Logan.

On the motion of Mr. Taylor,

4. A bill to incorporate an Insurance Company in the city of Maysville.

On the motion of Mr. Boyd,

5. A bill authorising certain advertisements to be inserted in the Advocate of Popular Rights, printed in Shelbyville.

On the motion of Mr. Willis,

6. A bill to establish an election precinct on the south side of Green River in Green county.

On motion of Mr. Conner,

7. A bill to allow an additional justice of the peace in Greenup county.

On the motion of Mr. Beaseman,

8. A bill to authorise the erection of a bridge across main Licking river, at Claysville in Harrison county.

On the motion of Mr. Guthrie,

9. A bill to repeal an act, entitled, an act to incorporate the Louisville Hotel Company.

On the motion of Mr. McHenry,

10. A bill to increase the number of justices of the peace for Wayne and Pulaski counties.

On the motion of Mr. Southgate,

11. A bill to incorporate the Falmouth Bridge Company in the county of Pendleton.

On the motion of Mr. McDonald,

12. A bill for the benefit of the Sheriffs of Washington county.

On the motion of Mr. McHenry,

13. A bill to establish two election precincts in the county of Pulaski.

On the motion of Mr. Roberts,

14. A bill concerning the counties of Hardin and Meade.

On the motion of Mr. McHenry,

15. A bill to enlarge the constable's district for the town of Monticello.

On the motion of Mr. Roberts,

16. A bill to amend the execution laws of this commonwealth.

On the motion of Mr. Murrell,

17. A bill to exempt growing crops from execution.

On the motion of Mr. Beaseman,

18. A bill to improve the road from Cynthiana to Claysville.

On the motion of Mr. James,

19. A bill to amend the revenue laws of this Commonwealth, so as to require the property to be listed annually for taxation; and,

On the motion of Mr. Roberts,

20. A bill to repeal the fourth section of an act approved January 25, 1827, entitled, an act to change the time of holding cer-

tain circuit courts in the seventh Judicial District.

Messrs. Daviess, Guthrie and Murrell, were appointed a committee to prepare and bring in the first; Messrs. Thornton, Clark and Chinn, the second; Messrs. Bibb, Cunningham and Grider, the third; Messrs. Taylor, Thornton and Chinn, the fourth; Messrs. Boyd, Guthrie and Bibb, the fifth; Messrs. Willis, Parks and Daviess, the sixth; Messrs. Conner, Taylor and Clark, the seventh; Messrs. Beaseman, Thornton and Southgate, the eighth; Messrs, Guthrie, Grider and Clark, the ninth; Messrs. McHenry, Bramlette and Cholson, the tenth; Messrs. Southgate, Wingate and Chinn, the eleventh; Messrs. McDonald, Boyd and Prince, the twelfth; Messrs. McHenry, Beaseman and Sisk, the thirteenth; Messrs. Roberts, Chinn, Thornton and Guthrie, the fourteenth; Messrs. McHenry, Bramlette and Gholson, the fifteenth; Messrs. Roberts, Willis, Daviess and Grider, the sixteenth; Messrs. Murrell, James and Cunningham, the seventeenth; Messrs. Beaseman, Parks and Thornton, the eighteenth; Messrs. James, Murrell and Griffith, the nineteenth; and the committee of Courts of Justice were directed to prepare and bring in the twentieth.

Mr. Thornton read and laid on the table the following resolu-

tion, viz:

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Resolved, By the Senate and House of Representatives, that the

Librarian of the public Library, keep the door of the library open for the use of the members every day during the session of the legislature.

On the motion of Mr. Guthrie,

Resolved, That it be a standing rule of the Senate, that the Clerk make, or cause to be made, an index to the Journals, and that

the same be printed and bound therewith.

A message was received from the House of Representatives, by Mr. Combs, announcing that they had met, formed a quorum and elected their officers, and that they were now ready to proceed to legislative business.

Mr. Daviess presented the petition of sundry citizens of Mercer county, praying that a law may pass to establish an election pre-

cinct in the western part of said county,

Which was received, and referred to a committee of Messrs. Wil-

lis, Parks and Daviess.

Ordered, That Messrs. Wingate, Clark and Daviess be appointed a committee, on the part of the Senate, to wait on the Governor, and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make—and that Mr. Wingate inform the House of Representatives thereof.

A message was received from the House of Representatives, an-

nouncing that they had appointed a committee on their part.

The committee on the part of the Senate then retired, and soon after returned, when Mr. Wingate reported, that the committee had performed the duty assigned them, and were informed by the Governor, that he would make a communication in writing by way of message to each branch of the general assembly, in their respective chambers, forthwith.

On the motion of Mr. Bibb, leave was given to the Editor of the Commonwealth to take a seat within the bar of the Senate, for the

purpose of reporting the proceedings.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The said message was taken up and read as follows, viz:

GENTLEMEN OF THE SENATE,

AND OF THE HOUSE OF REPRESENTATIVES:

By the permission of the great Ruler of the Universe, we have met for the puspose of communing in order to advance the public good; a trust, filled with great responsibility. To be the guardians in a great degree, of a state like Kentucky, with a population of 800,000 persons, presents considerations of no ordinary magnitude.

At no period of our political history has it happened, that the citizens of our state have suffered by severe malignant disease as during the past year. In many sections of the Commonwealth. the dreadful epidemic which has visited almost every quarter of the Globe, and taken off more than fifty millions of inhabitants, remained for several weeks, carrying with it dismay, desolation and death. Long will the melancholy events of the past year be remembered by those who survive; many, many of our most valuable and interesting citizens have gone to that "country from whose bourne no traveller returns"-the busy scenes and bustle of life are, to them, no more; hushed and stilled by the cold hand of death: but it must be so: it was not the will of Heaven that the "cup" should "pass away." I am pleased, however, to be able to state that the country, at present, enjoys good health-perhaps to a greater extent than usual; for which, and the many other blessings we enjoy, religious and civil, we should be filled with thanks to the author of all good, and implore Him to continue his kindness towards us.

Our state exhibits a prosperous condition: our farmers have had the usual results in quality, and abundance from their agricultural pursuits. Lands have risen in price; our commerce with the other states is active; and the commodities for sale, vended generally at higher prices than those which have been obtained for several years past.

In pursuance of the several laws to that effect, I have subscribed, on behalf of the Commonwealth, fifty thousand dollars of stock in the Washington, Maysville, Paris and Lexington tampike road company: fifteen thousand dollars in the stock of the board of Internal Improvements for Shelby county; and fifteen thousand dollars in the stock of the board of Internal Improvements for Franklin county. It is believed that those roads will be finished for travel during the present year. The subscription of fifty thousand dollars directed to be made in stock of the Louisville and Elizabethtown Turnpike has not been entered, because a like sum had not been subscribed by individuals as required by the act of incorporation.

The commissioners, appointed to superintend the improvement of the navigation of Green River, have employed competent engineers, who have made a survey and estimate of the costs of clearing the

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ha orobstructions in said river, whose report will, no doubt, be laid before you. I am advised that the commissioners will proceed early in the spring to the execution of the trust reposed in them.—There will be a small appropriation needed in addition to the sum allowed at the last session. As this is an improvement of great value to a considerable portion of the Commonwealth, and as it has already the patronage of the state, I flatter myself that the subject will meet a liberal reception on your part.

The undertaking on the part of the state on behalf of the Lexington and Ohio rail road, by which it became security for that company for the sum of one hundred and fifty thousand dollars, has been entered into, in pursuance of a law of the last session.—
Whether the loan has been negotiated in full or not, I have not

been advised.

There has been much energy displayed by the company during the last year, and it is expected that the road will be finished from Lexington to this place by mid-summer. From the energy and ability of the gentleman who is at the head of the corporation, there is no doubt that this highly valuable work will progress as

rapidly as possible.

The subject of the revenue will necessarily demand your particular attention. The resources of every government should be at least equal to its necessary economical disbursements; this the people expect and are willing to contribute to that amount. They know that their government must be sustained, and, that if there be a deficit in one year, it must be made up the next, or some time thereafter. The auditor of public accounts will exhibit his report, from which, you will discover that there has been an annual deficit in the revenue for the last ten years, and that there will be one the present year, including the appropriations made at the last session to the turnpike road companies, and to remove the obstructions in Green river, to a considerable extent. We should not be surprised that such has been and is the state of the treasury, when we reflect that so many sources of revenue, heretofore productive, have been annihilated, or are available to a very limited extentsuch as the dividends accruing to the state for its stock in the Bank of Kentucky, and of the Commonwealth-the tax upon stockholders; the money arising from the sales of head right lands; a diminution in the amount received for lands west of Tennessee; amount-

ing in the whole to a very considerable sum. Whilst this process was going on, the "wheels of the government" rolled onward; the civil list was paid; the capital of the state was, of necessity, rebuilt, and some appropriations were, by way of subscription, made to works of internal improvement. From all which it is readily perceived, how it is, that the treasury has been and now is so much in arrear. According to the view that has been taken of the law as it now exists, the officers of the government have no power to collect the revenue due for the year 1832. I submit to your consideration, whether it would not be most advisable to apportion the amount due for that year among some two or three subsequent years, in order to lessen the burden, and relieve the people from the necessity of paying a double tax, which would be the result if the whole revenue of 1832 should be collected with that of the present year. Although the law entitled "An act to amend the revenue laws, approved December 23, 1831," has many valuable provisions, I doubt the policy of that part of it which requires the appointment, biennially, of the commissioners of tax. It is impossible for the clerks of the different county courts to furnish the sheriffs with the different changes that may have occurred in the tax list of a given year; our citizens are enterprising, many changes of property take place in the course of a year, many citizens migrate from the state; and their places are filled by emigrants from other states. In what way is the clerk to obtain the necessary information that he may furnish a list to the sheriff for the second year?-The people, many of them, will not know that it is their duty to go to the clerk's office and furnish their list of taxable property, or, have it corrected if any changes have occurred, and many who may know it, will omit it. They have been accustomed to be waited on upon such occasions. I have no question, from the information received upon the subject, that the change will result in a loss to the state of a much greater amount than the pay of the commissioners, had they been appointed annually, as was the case before the passage of the law referred to. The collection, being made the same year that the property is assessed by the commissioners of the tax, will have a salutary influence upon the revenue; the delinquent list will be comparatively small, to what it was when the collection was made the year after.

Few states have been more liberal to their non-resident land

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holders than ours, yet, when we require a tax from them on their lands, the same that is paid by our own citizens, not a third or a fourth as much as is paid in many of the other states, we find a negligence and inattention to the subject, in many instances highly culpaple. It will be ascertained that there stands forfeited to the state, of non-residents lands, several millions of acres, and that the tax and interest due thereon amount to two hundred and eighty thousand dollars; that in some instances, not a cent has been paid since the commencement of the government, and, in many cases, not for several years. We should act upon the subject, and take some efficient step, under a hope, that those who are interested in the matter, will no longer delay the payment of the tax upon their lands. I would suggest the passage of a law allowing, say two years, for the payment of the amount due, with an interest of 10 or 15 per cent. per annum, instead of fifty and an hundred as the law now is, and, that in the event of failure, let the land be sold to the highest bidder, or so much thereof as may be necessary to pay the tax and interest. Have the law disseminated in other states, so that those interested might have an opportunity of learning its provisions. It is believed that, under the operation of such a law, some twenty or thirty thousand dollars would be paid into the treasury during the present year. There is, however, a portion of those claims to which I would not extend this general amnesty; those that interfere with the claims of persons who may be in actual bona fide possession, connected with a previous one of several years.— There is also a class of cases on the part of occupants, that I would not shield; where persons have located common land office warrants upon forfeited non-resident lands, with a full knowledge that such was the case, individuals acting thus, mala fide, have no claim upon the extraordinary aid of the government. It is not deemed good policy to permit persons to interpose and render impotent the right of sovereignty to release forfeitures, and grant favor to its citizens and others.

It is the duty of the functionaries of the government to provide for the protection of its citizens in the enjoyment of life, liberty, and property, as far as they can, in accordance with the principles of moral justice. The happiness and quiet of the people require that statutes of limitation should be passed; that dormant outstanding claims should, after a given period, be rendered harmless and in-

operative. Unfortunately our state exhibits a scene of much confliction in land titles, as the records of the courts and the sad experience of many of our citizens fully attest. Although our state was formed more than forty years ago, and the courts have been always opened for the investigation of controversies, it is believed that many, in relation to land titles, remain yet to be adjudicated. The legislature, actuated by motives highly praise worthy and commendable, passed an act approved February 9, 1809, entitled "an act to compel the speedy adjustment of land titles." Many doubted the constitutionality of the law, but I am gratified at being able to state that its validity has not only been sanctioned by our state courts, but by the Supreme Court of the United States.

It will be discovered by an examination of that law that its provisions extend protection, by way of defence, to persons only who shall have actually settled upon the land in controversy, and who shall have been so settled, or those under whom they claim for seven years anterior to the commencement of the suit. I would submit to your consideration the propriety of enlarging the provisions of the law so as to allow a like protection to all persons who may be in actual possession of land, and where it may have been continued for seven years. The courts have, in their adjudications upon this statute, required that the defendant must be settled upon the land in controversy, else he could not shield himself by virtue of Seven years actual occupancy of a tract of land, is as well calculated to give notice of claim, as a residence of the same length of time, and I would extend the protection to one class of cases as well as to the other. Instances have occurred where the interference covered a principal part of the defendant's tract on which he resided and had lived for seven years, but, because the house was not embraced in the confliction of titles the plaintiff succeeded. I do not perceive any reason for such a distinction. While upon this subject, let me ask you to take a review of the various decisions of our appellate court upon the subject of the savings and exceptions in our various statutes of limitation: it is doubted whether the court has not oscillated in its decisions upon that subject; its members have sometimes divided in opinion. It is a subject of much importance, and if you should believe that the laws have been enlarged by construction, pass a statute to remedy the error.

Let me again respectfully urge upon the Legislature the neces-

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sity of establishing a State Bank, based upon a specie capital of about four millions of dollars, with four or five branches or offices of discount and deposite; two fifths of the stock to be reserved for the state, the balance to be taken by individuals-let directors on the part of the state be appointed in such mode as you may deem most advisable, equal as near as may be to its proportion of stock; designate the amount to be paid annually into the treasury of the state by the stockholders as a tax upon their capital invested .-Should you concur with me, as to the propriety of this measure, I hope the charter will be well guarded, limiting the powers of the directory to a prudent, cautious exercise of banking privileges; requiring the payment of specie for its issues when presented, and upon failure in that respect, that the charter be forfeited. Make the directory responsible out of their own estates for a violation of the terms of the charter in making over-issues and loans. When I made my communication to the legislature, at the opening of the last session, in which I referred to this subject, I was of opinion that the portion of the stock to be held by the state, might be supplied from the funds in the banks of the Commonwealth and of Kentucky. But it was the pleasure of the legislature to give a different direction, to a considerable amount of those funds, so that we cannot look to that source to supply the capital contemplated to be invested by the state in the proposed bank. I would, therefore, recommend the issue of scrip on the part of the state, for one million of dollars, bearing an interest of four and a half per cent. payable semi-annually, redeemable at the end of thirty years .-Let the money arising from the sale of this scrip, which I have no question might be made in the eastern cities, at par, if not more, be subscribed as stock; the balance of the State's portion of stock to be supplied from the money arising from the Commonwealth's Bank and other sources as the legislature may deem most advisable. There are many who will object to this mode of raising the money, but wherefore? That it would be a profitable arrangement on the part of the state, must be conceded by all. It would no doubt make a clear profit on the sum thus obtained, of three per cent. which at the end of thirty years, if the interest were re-invested annually, would amount to more than a million of dollars-a considerable sum to be made upon credit alone, and that for the benefit of the people of our own state; for I do not suppose that there is

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any risk in the matter. The money would be on loan to individuals, well secured, and might be withdrawn at any reasonable notice. Let it not be said that the people will have to be taxed to repay the money thus obtained. No such thing. The fund invested will of itself be sufficient: besides the said nett profit to the state of more than one million of dollars. When we have the same fund as it were, at command to restore when due, I do not regard it an indebtedness of the ordinary character. When we have not the means at command to pay debts, whether private or public, they are to be dreaded. You have been advised of the condition of the treasury; you know the difficulty of bringing aid to it. We desire to see works of internal improvement progress, and education diffused as much as possible throughout the state.-The civil list must be paid. Shall we not then issue this scrip and receive this profit, and furnish ourselves with the means to meet public expectation in respect to the great subjects of legislation? But again: there is something due to the enterprize, the commercial, agricultural, and manufacturing interests of the people; let us afford them as many facilities as we can, consistently with the constitution and the conservative principles of the government. Establish a bank upon the principles suggested, paying the specie for its notes, and it will give a beneficial impulse to all the leading interests of the people. Look into the State of Ohio, you will find eighteen or twenty banks. In the state of Tennessee, the legislature about a year since incorporated the Union Bank with a capital of three millions; the state was authorised to issue its scrip bearing an interest of five per cent. for half a million, which has been sold at a premium. The state of Alabama issued its scrip for three and a half millions bearing five per cent. interest. Mississippi and Louisiana have also increased their banking capital in the same way. Should we refuse to establish a State Bank, and afford the facilities the exigencies of the country demand, we may expect to see many of the notes of the banks of the adjoining states in circulation among us. Is it not infinitely better to have an institution of our own, one that the people would get accustomed to, and would be interested in sustaining, whose notes would be current alike in every part of the state? If the privilege of banking be profitable, let our own state have a share in it. But upon this subject we have been told to wait—wait until it be ascertained that

there is no longer any hope of re-chartering the Bank of the United States. Some say until it be re-chartered; and then if the condition of the country requires it, establish some independent banks. How long shall we wait? can they who make the objection tell us? I did hope that the question of the establishment of a state bank would have been decided upon its own merits, aside of every consideration other than to advance the public interest. I regret that the question of re-chartering the Bank of the United States has been obtruded and made to operate upon a question exclusively of state cognizance. I remember to have heard something myself about that question upon a certain occasion; and when the constituted authorities of the state were soon to decide upon an important question, involving the great interests of the state, behold! it comes again upon us. Let that subject occupy its proper forumthe general government. I have had much solicitude that the action of the two governments should be confined, each to the legimate exercises of the attributes conferred by the respective constitutions. I had confidence in the talents, patriotism, and firmness of the functionaries of the general government, and believed that the ship of state would be safely steered, holding up to the world the prosperity of the nation; and I am gratified that my expectations have been fully realised. The genius and character of the people of Kentucky could not have been well considered, or the objection alluded to would not have been made. With a population highminded, honorable and magnanimous, willing to concede much for the purpose of promoting harmony and good feeling, but not a cent for tribute, their opinions are not to be propitiated by suspending a sword over their heads. By being told to wait for a state bank until the United States Bank be rechartered, it need not be expected that they will barter their opinions, or forego what they believe to be right upon one question, in order to succeed in another. I do hope that the time has not arrived when the oracle at Delphi must be consulted before we can proceed in the examination of important subjects; let us rather consult our constituents, -endeavor to ascertain what will best subserve their interests, and let that be done, regardless of the influence it may have upon the question of re-chartering the United States Bank. I am pleased to ascertain that many, who favor a continuation of that bank, are also advocates for the establishment of a state bank. They believe that both might

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be useful. Whether we have a bank of the United States or not. we should have a state institution. The suggestion to establish a number of independent banks, is also made with a view to thwart the creation of a state bank. Surely we are not prepared to act over the bank scenes that have occurred within the last fifteen years in Kentucky. Is there an individual acquainted with the history of the state, who does not remember the baneful influence that the establishment of the forty independent banks had upon the country? The great desideratum in the various towns was to get a bank charter; and what followed? The business was overdone, and the banks failed—a depreciated currency left upon the people, and many of them ruined. The great difficulty in legislating upon the subject, is, to know when to stop; there is a tendency to proceed onward, which should always be scrutinized. I should, therefore, regret exceedingly, to see the establishment of various independent banks in the state. Respond reasonably to the expectations of the people, afford them the facilities their interests demand by the creation of a state bank, founded upon a solid capital, calculated to assure to the people a good currency, equal to gold or silver, and then let us forbear. I would not have a bank of any other character. A depreciated currency is most ruinous to any people, and has been repudiated in almost every country that has suffered by its deleterious influence. Money is used for the purpose of exchange, and as a means by which we test the value of all commodities. Various expedients have been resorted to for the purpose of obtaining a substitute for money.-Bank bills, bills of exchange, &c. when they represent money, answer the purpose very well; but, when they cease to do this, and their value is to be tested by equivocal rules, it is unfortunate for any country. Let us not, therefore, be led away by the idea of the establishment of a number of independent banks. It will not do. Again, money may be regarded as having a certain and a relative value. Certain, as it relates to all domestic uses; relative when compared with the value of money in other states and countries. If the government of a state see that the currency within its own action and legitimate cognizance be of the proper standard at home, nothing further should be required. Let it not, therefore, be objected to the measure proposed, that possibly the notes of the bank may not be exactly at par in some of the other states; they

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will be current within the limits of their own state. The comparative or relative value depends upon a variety of incidents, so numerous that it cannot be regulated exclusively by legislative enactment. The commercial part of the community in the several countries fix the exchange or relative value of money between the several parts of the world. I hope, therefore, that no political economist will insist upon such a paradox-that the value of money can, by legislative authority, be made the same in all countries. Much subsidiary aid may be afforded as well by the legislature, as by the energies of the people. Whatever tends to increase the prosperity of a community—the construction of turn pike roads, rail ways, clearing the obstructions in navigable streams; the diffusion of education among the people; the increase of agricultural products, of manufacturing establishments, and of the general commerce of the country-will elevate the relative value of money .-These are the bases upon which the wealth of a country mainly depends; the data by which the relative value of money is ascertained; for if a country exports more than she imports-sells more than she buys, there is no question that if the currency be sound at home, it will be in good demand abroad.

The practice of lending money at an inordinate rate of interest, as pursued by many in the state, is an evil of considerable magnitude. If it were loaned at a small premium over the legal rate, as is done by some, I should not deem it a subject for this communication. But there are many professed usurers, who lend at an exorbitant, destructive interest; whose sensibilities become blunted; who speculate in their own minds, like the master of ceremonies at the inquisition, how much the patient will bear-two, four, or six per cent. a month. Let me, therefore, call your attention to that subject, and suggest that the law of the 6th February, 1819, be repealed. By that act a usurious contract is legitimated to the extent of the principal and six per cent. interest, and made void as to the usurious interest only; and the statute of January 26th, 1798, which declared the whole contract void, if usurious, was repealed. By that act, any borrower of money or goods, might exhibit his bill in chancery, and compel a discovery upon oath of the facts in relation to the contract, and if it were ascertained to be usurious, the lender would be bound to accept his principal, without interest. That the act of 1798, is better calculated to prevent the practice of usury than that of 1819, I think no one will doubt. It is milder in its provisions than most laws that exist upon the subject in our government. I would, therefore, recommend that the former law of 1798 be re-enacted.

Anciently, it was held as being against conscience to exact interest for the use of money: That opinion, however, yielded to the more correct one, that a reasonable rate of interest was admissible. But in all civilized countries, for centuries past, the governments have turned their attention to that subject, regulated the amount of interest, and in some instances affixed heavy penalties incident to the violation of the law. The rate of interest has varied in our own state, and it varies in several of the other states. It is contended by some, that they have a right to use their money as any other article of value, and that the legislature should not interpose. They who argue thus, should recollect that the whole community are interested in the value of money; that good policy requires that it should be circulated for the benefit of the people as much as possible; whatever, therefore, tends to retard its circulation, or make its value fluctuating and uncertain, should be the subject of legislative enquiry. If usury were tolerated, much of the money of the country would be locked up in the desk of the miser, waiting for opportunities to loan at a high interest.

The great object of government in the administration of the criminal law, is to punish the guilty, and to shield the innocent. The rights of an individual should be as plenary in a criminal, as in a civil case. If there be a controversy in which a few dollars are involved, either party may obtain the opinion of the appellate court upon the subject; but not so in a criminal case, where a man's life or liberty may be put to hazard. Does it not seem that there is an unfitness in this? Is the government in such haste for the punishment of individuals, that a short time could not be allowed to test the conviction by the opinion of the appellate court? Upon questions that often occur in the progress of the trials of criminals, there is much diversity of opinion in the different circuit courts. Each is independent of the other, and at liberty to adopt its own opinions, and form its own criminal code. I submit to your consideration, whether some remedy may not be applied. Let the defendant be entitled to a writ of error as in civil cases. Let the case be disposed of by the appellate court at the com-

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The delay would not be long, and as it would be at the election of the defendant, he could not complain; the additional expense would be inconsiderable. In cases where the attorney for the Commonwealth believed, that important questions had been decided in the progress of a criminal trial, I would direct that the record be sent by him to the appellate court. Although it would not affect the individual who might have been acquitted, the opinion might serve as a rule in like cases and questions, and thus we might probably obtain uniformity and some kind of system in the administration of the criminal law.

Permit me to call your attention to the jury system, and to recommend a change in relation to it. The people have a direct interest in every thing which relates to the judicial department of the government. Every one acquainted with the business of courts, must admit, that the present mode of selecting jurors is not well adapted to a correct administration of the law. Men should be selected, on so important a trust, because of their intelgence and moral worth; but it is not so, generally, under the present system. The sheriff is commanded to furnish a jury, and of necessity, he is obliged to summon those with whom he may chance to meet, whether qualified or not; and persons are often brought into the court in a state unfit for business. Thus it is, that jurors are selected who are to decide questions of the highest import. Besides, jurors should be paid a reasonable compensation for their services. Individuals cannot live entirely upon patriotism. Have the requisite number summoned a short time before their services would be required, and let the state pay a portion, and the litigants the balance of an allowance equal, at least, to the expenses of those who might serve. That such a change would contribute greatly to the correct administration of the law, I have no doubt.

In looking into the archives of the state, I regret, that many important documents in relation to the political history of the Commonwealth, are not to be found. It is believed that many have never been furnished; indeed some of them have never been printed; and that others were lost in the conflagration of the Secretary's office some twenty years ago. Do we not owe it to ourselves and to posterity, to rescue from the oblivious hand of time, important papers, in which all should feel an interest? It is

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a fact not generally known, that the people inhabiting the district of Kentucky had many meetings. Convention followed convention for several years anterior to the final separation from the state of Virginia. The journals of those Conventions have never been printed, and perhaps, but a single copy remains in the hands of a private gentleman. The journal of the convention of 1799, which formed our constitution, I find, also, in manuscript. We are proud of the name of Kentuckians. There is a laudable solicitude, to know every thing in respect to our history. Those "pioneers of the west," were a bold, patriotic, enterprising, and liberal people. Let us, at least, perpetuate their public acts in some durable manner, and be able to furnish a complete history of the proceedings of the various public assemblies in connection with our government.

I would, therefore, suggest the propriety of the appointment of a committee to make enquiries into the matter, and that you direct the printing of such documents as may be regarded necessary to

a perpetuation of our political history as a state.

I am much gratified to learn, that Transylvania University is in a highly flourishing condition; the zeal and high attainments of the gentleman who presides over the institution; the deservedly high and elevated professional stand of the gentlemen who have charge of the various chairs in the law and medical departments, are a sure guarantee to the public, of its usefulness in an eminent degree. I flatter myself, that it will continue to receive the patronage of the public. The people of the state are particularly interested in its success; were it not for its existence, many of our young men would be obliged to go to other states to finish their professional studies. The various colleges in the state are in successful operation, as are also, many schools, imparting useful knowledge to the rising generation.

I have observed, with much pleasure, the united efforts of many learned and distinguished gentlemen, with a view to inform the public mind and bring it to a proper estimate of the importance of a general diffusion of education. I hope that much good will result from their labors, and that every one will contribute his aid

on so important a subject.

We congratulate ourselves on the excellence of our government; we venerate our ancestors, by whose prowess and wisdom

it was formed. They labored for themselves and for posterity .-Shall we not discharge the duties which devolve upon us with the same stedfastness of purpose, to the same end? There is no subject of more importance in a political point of view, in a republican government, than that of education. It is its main pillar .-Unless the people be informed, they cannot long sustain the government to advantage; they must possess the ability, as well as the power. Liberty and a want of intelligence in the great body of the people, do not long abide together. In proportion as either may advance, the other will recede. Such has been the experience of all the republican governments that have existed. With such monitory lessons before us, derived from history and our own experience, we should be disposed to do all that we can upon so important a subject. In order to preserve our government, there should be, not only a ceaseless vigilance on the part of the people in respect to its administration, but, also in relation to the means necessary to its continuation; let that be the case, and we have nothing to apprehend; let the people be informed, and they will rule correctly.

The Lunatic Asylum at Lexington; the Asylum for the Deaf and Dumb at Danville; the Hospitals at Louisville and Smithland; will I hope receive your particular attention. They are institutions resulting from the best feelings of the heart, to provide for the unfortunate; and should be sustained in a manner worthy the objects to be attained.

The Penitentiary system will also be the subject of enquiry.—
The convicts suffered severely by the visitation of the epidemic during the past year. The Agent and Physicians were very vigilant, and fewer deaths occurred than usual, in proportion to the number of cases.

There might be a valuable improvement made by a different arrangement of the buildings within; the plan will be communicated to you by the agent, to whom the country is much indebted for his attention to the institution. In any event, I would recommend that you order a room to be furnished for the purposes of an infirmary. It is extremely difficult to give the necessary attention to a sick person, confined in a cell, barely sufficient to admit another individual. It will be found, that the fiscal affairs of the institution are in a satisfactory and flattering condition. It is

a source of some pleasure, that whilst many of the Penitentiaries of other states are a charge upon their governments, ours yields a small revenue; and that too, without drawing too heavily upon the time and labor of the convicts.

The subject of the militia, also claims your attention. I regret to find, occasionally, a disposition to annul the system entirely. It is believed, that the militia of the Union is its defence and support. We should, therefore, keep it duly organized and disciplined. I hope you will take a review of the whole matter, and embody the laws upon the subject in one general act. If you should find that a work of too much labor for one session, appoint a committee of competent persons to collect all the laws upon the subject, and make a report to the next session of the legislature.

In pursuance of a resolution adopted at the last general assembly, I transmit to you a report from the Quarter Master General,

of a plan for an arsenal.

The legislature of Virginia made a donation to the officers of her state and continental line, of a tract of land containing four thousand acres, binding on the Mississippi, including the town of Columbus. Some years ago, the legislature of this state ordered the land to be sold, and the proceeds to be deposited in the treasury for the use of said officers, their heirs, &c. I am charged with a report, herewith transmitted, from the trustees, to whom had been delegated the trust, by which it appears that the land has been sold, and the proceeds deposited in the treasury. It is proper, therefore, that a law should pass, making distribution of the fund upon some equitable principle.

It appears that there remains due to the Bank of the Commonwealth, the sum of \$647,769 19, of that sum it is supposed that \$236,651 90 are due from persons who are insolvent, or in doubtful circumstances. The profits, to the state, of the institution amount for the last year, to the sum of \$18,094 98. Its expenses for the same time, to the sum of \$13,890 55. There were notes in circulation on the 30th day of Nov. 1833, that had been issued by said bank, the sum of \$103,269 35, and there was on hand at the same time, the sum of \$96,730 65, which, in pursuance of the policy heretofore adopted, should be cancelled by burning.

From the Bank of Kentucky, it is estimated that the state may receive the sum of \$50,000.

The Commonwealth owns stock in the Maysville, Washington, Paris, and Lexington, the Shelby and Franklin turnpike roads, to the amount of one hundred and thirty-four thousand, three hundred and eighty-four dollars.

Pursuant to the request of the legislature, I did, shortly after the close of the last session, transmit to the President of the United States, to each of our Senators and members of Congress, and to the Governor of each of the states, a copy of the preamble and resolutions adopted by our legislature, on the subject of nullification as insisted upon by South Carolina. During the recess, I have had the honor to receive a communication from the Governor of each of the following states, upon the subject of nullification: New York, Massachusetts, Maryland, New Jersey, Delaware, Ohio, Alabama and Pennsylvania; and the same are herewith transmitted, out of respect to the respectable states named, and from a consideration of the high importance of the matter. As we have heretofore acted upon the subject, no additional action will be necessary. It is a matter of much solace, to find those states so unanimous in their opposition to the doctrine of nullification. I flatter myself, however, that we shall never have occasion again to refer to those documents; that peace and harmony will be cultivated among the states, and also between the general and state governments.

Gentlemen, it will afford me great pleasure to co-operate with you in all that may advance the public good.

JOHN BREATHITT.

January 1st, 1834.

(For accompanying documents, see Appendix-A.)

Ordered, That the public printer print fifteen hundred copies of said message for the use of the Senate.

And then the Senate adjourned.

THURSDAY, JANUARY 2, 1834.

The Senate assembled.

The Speaker laid before the Senate a letter from the auditor of public accounts, covering his annual report, and accompanied with a list of residents and non-residents lands forfeited to the State of Kentucky, for the non-payment of the state tax due thereon.

(For said letter and report, see Appendix-B.)

Ordered, That the said report be referred to the committee of finance.

The Speaker laid before the Senate the report of the Board of commissioners for the Improvement of Green river.

(For which, see Appendix-C.)

Ordered, That the said report be referred to the committee of Internal Improvements, and that the public printer print one hundred copies thereof, for the use of the Senate.

1. Mr. Prince presented the petition of Alonzo Portus Buck, praying that a law may pass changing his name to Jozef Freon.

2. Mr. Grider presented the petition of the devisees of James Hill, (some of whom are infants,) praying that a law may pass authorising the sale of a tract of land in Warren county.

3. Mr. Grider presented the petition of Nancy Bright, praying that a law may pass divorcing her from her husband, Isaiah Bright.

4. Mr. James presented the petition of sundry citizens and owners of lots in the town of Columbus, praying that a law may pass authorising the sale of Market square, in said town.

5. Mr. Brown presented the petition of Sarah Blackford, widow of John Blackford, deceased, praying that a law may pass authorising the sale of a negro man which belonged to her husband at his death.

6. Mr. Bramlette presented the petition of Sally Baker, praying that a law may pass authorising the sale of a tract of land in Cum-

berland county, of which her late husband died seized.

7. Mr. Beaseman presented the petition of the adult heirs of Archibald Offutt, deceased, praying that a law may pass authorising the sale of a house and lot in the town of Leesburg, twelve and a half acres of land in the neighborhood of said town, and four slaves, of which the said Archibald died possessed.

8. Mr. W. Owsley presented the petition of the heirs and devisees of Moses Burch, deceased, some of whom are infants, praying that a law may pass authorising the sale of a tract of land in Lin-

coln county.

9. Also the petition of Elizabeth and Edmund Stone, infant children of John Stone, late of Garrard county, by their guardian, Olizver Terrell, praying that a law may pass authorising the sale of a

tract of land in Garrard county, devised to the said infants by their father.

10. And Mr. Coffey presented the petition of Owen Sutherland, and sundry citizens of Casey county, praying that a law may pass authorising the state road from Danville, in a direction to Murfreesborough, to be changed where the same passes through the land of said Sutherland and Mrs. Moore.

The said petitions were severally received, the reading dispensed

with, and referred.

The first and fourth, to the committee of Propositions and Grievances; the second, fifth, sixth, seventh, eighth and ninth, to the committee of Courts of Justice; the third to the committee of Religion; and the tenth to a committee of Messrs. Boyd, Bramlette and Gilbert.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Boyd—1. A bill to authorise the insertion of certain advertisements in "the Advocate of Popular Rights," printed in Shelbyville.

By Mr. Thornton—2. A bill amendatory to an act approved January 28th, 1833, to authorise the Bourbon County Court to levy a tax on the lands of said county.

By Mr. McHenry-3. A bill to establish two election precincts

in Pulaski county.

By Mr. Guthrie—4. A bill to repeal an act, entitled, an act to incorporate the Louisville Hotel Company.

And by Mr. Conner-5. A bill to allow an additional justice of

the peace in Greenup county.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the fourth and fifth bills, having been dispensed with, they were referred to the committee of Courts of Justice.

The rule of the senate, constitutional provision, and second and third reading of the first and second bills, having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Chinn—1. A bill altering the times of holding the Fayette and Scott Circuit Courts.

On the motion of Mr. Grider—2. A bill to authorise the recording of certain unrecorded deeds in the Logan County Court.

On the motion of Mr. Roberts—3. A bill prescribing the duties of county court Attornies, in certain cases, and for other purposes. On the motion of Mr. Willis—4. A bill to change the time of

holding the Hart Circuit Court.

On the motion of Mr. Boyd—5. A bill to amend and explain the

law respecting tavern licences, and for other purposes.

On the motion of Mr. Roberts—6. A bill to repeal the fifth section of the act of limitations, passed, December 17th, 1796, and for other purposes.

On the motion of Mr. Guthrie—7. A bill to prohibit the circulation of bank notes of a less denomination than five dollars.

On the motion of Mr. James—8. A bill to reduce the price of the vacant and unappropriated lands west of the Tennessee river, and to protect the settlers in said land district.

On the motion of Mr. Roberts-9. A bill to extend the bounds

of Elizabeth, Hardin county, Kentucky.

And 10. A bill regulating and reforming certain judicial districts in this Commonwealth.

And on the motion of Mr. Guthrie-11. A bill to amend the

charter of the city of Louisville.

Messrs. Chinn, Clark and Thornton were appointed a committee to prepare and bring in the first; Messrs. Willis, Daviess and Cunningham, the fourth; Messrs Boyd, Griffith, W. Owsley, Thornton and Roberts, the fifth; Messrs. Roberts, Guthrie, Chinn and Grider, the sixth; Messrs. Guthrie, Clark and Grider, the seventh; Messrs. James, Prince, Sisk, Gholson and McDonald, the eighth; Messrs. Roberts, Griffith and Cunningham, the ninth; Messrs. Roberts, Guthrie, Daviess and Heady, the tenth; Messrs. Guthrie, Boyd and Wingate, the eleventh; and the committee of Courts of Justice were directed to prepare and bring in the second and third.

On the motion of Mr. Taylor,

Resolved, That so much of the Governor's message as relates to the revenue and the establishment of a State Bank, be referred to the committee of finance.

Mr. Willis moved for leave to bring in a bill to take the sense of the people of this Commonwealth, as to the expediency and propriety of calling a convention.

And the question being taken thereon, it was decided in the af-

firmative.

The yeas and nays being required thereon by Messrs. Willis and

Wingate, were as follows, viz.

YEAS—Messrs. Beaseman, Bramlette, Coffey, Conner, Daviess, Dougherty, Grider, Griffith, James, McDonald, McHenry, Nuttall, Parks, Prince, Roberts, Sisk, Southgate, Willis, Young—19.

NAYS—Messrs. Boyd, Brown, Chinn, Clark, Cunningham, Dejarnatt, Gholson, Gilbert, Guthrie, Heady, Murrell, H. Owsley, W. Owsley, Taylor, Wingate—15.

Ordered, That Messrs. Willis, Daviess, Roberts and Dougherty,

be a committee to prepare and bring in the said bill.

The joint resolution in relation to the public library, read and laid on the table by Mr. Thornton yesterday, was taken up, and re-

ferred to a committee of Messrs. Clark, Chinn, W. Owsley, Thornton and Daviess, with leave to report thereon, by bill or otherwise.

On the motion of Mr. Guthrie.

Resolved, That there be a standing committee on the public library, whose duty it shall be to report on the condition of the library and public documents, and such other matters connected therewith, which in their opinion requires legislative action.

Whereupon Messrs. Guthrie, Chinn, Daviess, Thornton and

Conner were appointed the said committee.

The Speaker laid before the Senate the following letter and report of the condition of the Bank of the Commonwealth of Ken-

(See folding sheet.)

Ordered, That the said report be referred to the committee of finance, and that the public printer print one hundred and fifty copies thereof for the use of the Senate.

Mr. Guthrie, from the committee appointed for that purpose, reported a bill to amend the charter of the city of Louisville; which was read the first time, and ordered to be read the second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was referred to the committee of courts of justice.

And then the Senate adjourned.

FRIDAY, JANUARY 3, 1834.

The Senate assembled.

A message was received from the House of Representatives, announcing the appointment of a committee of enrolments on their part; and the passage of a bill, entitled, an act for the benefit of the sheriffs of certain counties; which bill was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of courts of justice.

The Speaker laid before the Senate the following letter and annual report of the Treasurer.

(See Appendix—D.)

The said report was referred to the committee of Finance. The Speaker laid before the Senate the following report of the Receiver of public monies, viz:

FRANKFORT, KENTUCKY, 3rd January, 1834. Sir:-In obedience to an act of assembly, approved 21st December, 1831, I respectfully submit the following Report of lands sold

Sir:—I have the honor to communicate he stas each Branch District, on the 30th day of N The entire resources of the institution and to

ce tole lth," is sevein

To amount of Stock, . " notes payable, . . .

" amount of discounts,

146,144 " amount due individual

" amount due other Banl " amount due Literary Fo

16 amount due William D

\$15,260 15,077 2,460

1,205 10 299

1,082 390 2,641

709 96,730

The heads of accounts in due from the Bank of Kentu, save

TAY

OF THE PRESIDENT OF THE BANK OF THE COMMONWEALTH OF KENTUCKY.

BANK OF THE COMMONWEALTH,

Frankfort, 31st December, 1833.

Sir:—I have the honor to communicate herewith, a report, exhibiting, in detail, the situation of the Principal Bank, and each Branch District, on the 30th day of November, 1833.

The entire resources of the institution are as follows:—Notes under discount, \$431,602 28. Notes in suit, \$146,144 72. Real estate, \$42,128 95. Due from former Cashiers, Attorneys, Treasurer's overdrafts, &c. \$6,458 29. Making an aggregate sum of \$696,334 24.

The interest received on notes renewed, and those paid in full during the year, amounts to the sum of \$18,094 98; and the expenses for the same period to \$13,890 55; leaving a profit of \$4,204 43, to be passed to the credit of the Treasurer; which, added to the sums heretofore paid into the Treasury, together with the Literary fund, appropriations to Transylvania University, Colleges, Hospitals, &c., makes the sum of \$640,811 93, that has been realized to the State as nett profits.

There now remains of all the notes issued, payable to bearer, the round sum of \$200,000; \$96,730 65 of which are in the vaults of the Bank, not subject to be withdrawn; leaving in circulation the sum of \$103,269 35.

Believing that it would be desirable for the Legislature to be furnished with some certain data as to the amount yet to be realized from the Bank, the board of Directors caused instructions to be issued at an early period of the year, to each of their agents, to report, in detail, the situation of each debt, and the probable loss on real estate; that duty has been performed, and exhibits the following result:

Debts of all kinds, including real estate, Treasurer's overdrafts, &c., \$696,334 24. From which, deduct, debts reported as bad, and estimated loss on real estate, 172,254 72; debts reported doubtful, 64,377 18; notes in circulation, 103,267 35; making 339,899 25. Leaving in good debts, well secured, and real estate, the sum of 356,434 99.

Of the debts reported bad and doubtful, it is believed a considerable sum might be realized, if the board were authorized to sell them to the highest bidder, or give contingent fees, commensurate with the cost and trouble of collection.

In obedience to the provisions of "an act to provide for balancing the accounts of the Treasury with the Bank of the Commonwealth," approved, February 1st, 1833, the Treasurer has been credited by the sum of 186,729 90, which is charged to the stock account, and sinks that item to the sum of 474, 10 37. And, in accordance with an usage that has prevailed for several years, and which seems to have met with the approbation of the Legislature, the Treasurer has again been permitted to overdraw to the amount of 27,440 24.

Under the provisions of an act to improve the navigation of Cunberland river, approved on the 2d day of February, 1833, the sum of 2,386 77, has been paid over as the law directs, and stands charged upon the books of the Bank to that appropriation.

Owing to the general pressure for money during the past year, which has mainly been produced by sickness and death, the debts have not been curtailed as rapidly as they otherwise would have been. In many parts of the State, the courts have transacted very little business; and it has been found impracticable to obtain trials in a large majority of contested cases.

In addition to this, it is generally known to the debtors, that the constitutionality of the Bank is a question of controversy now pending before the Supreme Court of the United States, which has contributed in no small degree to embarrass the operations of the Bank, and will continue to do so until the cause shall be determined. The Bank is represented by able counsel, and a trial is confidently expected at the approaching term of the court.

Very respectfully, Sir, your ob't. servant,

H. VINGATE, Prest.

Hon. JAMES T. MOREHEAD,

Speaker of the Senate.

A Statement of the situation of the Bank of the Commonwealth of Kentucky, on the thirtieth day of November, 1833.

				r.								9						Cr.	A STATE OF THE STA				at the state	SE TRANSPER				380			P News and Service
	Amount of Stock.	Notes paya- hle.	Amount of discounts.	Amount due individual depositors.	Amount due other Banks.	Amount due Literary Fund.	Amount due W. D. Bar- ret, late Cashier.		Amount of notes in suit.				Amount due from Treas- urer	Amount of profit and loss.	Amount due from A. Morehead, late Cashier.	Amount due from B. F. Pleasants, late Cashier.	Amount due from D. Brad- ford, late Cashier.	Amount due from E. Stockton, late Cashier.	ott, late	Amount due from O, G. Waggener; late Cashier.	Amount due from J. H. Morton, late Cashier.	Amount due from P. W. Riley, attor- ney.	Amount due from G. B. Knight, at- torney.	Amount due from E. Smith, at- torney.	Amount due from A. Waggen- er's adm'rs-	Due from W. Field, sheriff of Jefferson.	Parmers Bank Har- rodsburg.	Kentucky Exporting Company.	Amount due for individual tickets.	Appropria- tion to Cum- perland river.	Cash on han Note States and stern notes of K
cipal Bank District, linggreen Branch do. do. nouth do. do. rodsburg do. do. rodsburg do. do. ington do. do. isville do. do. isville do. do. not Sterling do.	, \$474,110 57		118 71 349 63 1,001 01 2,871 56 1,428 17 930 00 2,773 73 770 40	17 28 48 49 188 01 612 57 117 79 259 13 250 98 493 82 	5,626 53 20,147 30 130,557 72 39,172 73 12,249 98 76,146 00 30,813 38 11,732 68 26,213 41	11,615 98 10,173 59 8,656 74 11,383 69 13,891 33 6,182 14 14,597 70 17,510 98 4,288 23 10,621 84 7,380 39	43 18	54,522 87 1,206 75 8,351 00 17,875 09 94,685 36 40,865 97 18,695 10 47,315 58 27,212 69 18,556 31 19,049 94 8,684 98	41,097 40 5 2,215 73 4,342 68 11,174 74 6 22,626 12 (4,858 82 5,087 98 8 6,352 18 6,346 66 2,847 00 11,782 46 8,084 35	6,397 53	14,838 48 	768 97 268 72 633 71 634 63 1,444 94 553 66 710 67 599 15 515 45 541 62 744 71 1,857 44		2,510 81 220 85 259 02 874 72 27,300 34 474 87 1,146 11	15,260 19	15,077 07	2,460 14	1,205 03	. 10 00		1,082 92	390 47			162 10	65 45	1,671 94		708 63	2,386 77	

amount of Stocks	Dr.		Cr.
	mount of discounts,	"amount due from other Banks,	\$577,747 00 484,740 34 42,128 95 13,890 55 27,440 24 37,007 88 35,394 35 3,055 58 162 10 65 45 1,671 94 507 00 708 63 2,386 77

The heads of accounts in the above table, termed "Due to other Banks," and "Due from other Banks," embrace balances due from the Branches to the Principal Bank, and from the Principal Bank to the Branches, save the sum of \$7,453 due from the Bank of Kentucky to the Principal Bank.

EDMUND H. TAYLOR, Cashier.

A STATEMENT

hewing the loss that will probably be sustained by the Bank of the Commonwealth

of Kentucky, by bad debts, &c.

	Considered bad debts.	Considered doubtful debts
Principal Bank—due upon notes,	10,400,07	
Bowlinggreen Branch—due upon notes,	10,490 87	1,577 00
Flemingsburg Branch—due upon notes,	81,632 86	4,510 00
Falmouth Branch—due upon notes,	326 85	1,938 25
Greensburg Branch—due upon notes,	900 00	3,408 05
Hartford Branch—due upon notes,	11,216 67 175 00	1,357 50 1,057 16
" Independent paper, &c	20,740 52	22,711 21
Lexington Branch—due upon notes,	688 00	1,99 89
Mount Sterling Branch—due upon notes,	33,290 59	2,903 56
Princeton Branch—due upon notes,	3,961 77	16,138 86
Somerset Branch—due upon notes,	3,370 87 2,201 47	352 00 2,026 5 6
" Loss on real estate,	3,259 25	4,398 09
Bad debts,	172,254 72 64,377 18	64,377 18

west of Tennessee river, since my last Report as Receiver of Public Monies, viz:

Lands sold from the 21st day of November, 1832, to the 11th day of December, 1833, (as per Reports to the auditor of public accounts,) \$37,271 50

CREDITS.

By amount paid Treasurer in Common wealths paper, - \$21,817 96
Ditto in United States paper, 14,360 52
Advance at 5 per cent allowed on same, as per act of assembly, - 718 02
Commission retained, - 375 00

\$37,271 50

Your ob. servant,

EDMUND CURD, R. P. M. W. T. R.

Ordered, That the said Report be referred to the committee of Finance.

The Speaker laid before the Senate the following report of the commissioners appointed to examine and settle the accounts of the Penitentiary.

(See Appendix-F.)

Ordered, That the said report be referred to the committee of Finance; and that the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

1. Mr. Guthrie presented the petition of sundry citizens of the city of Louisville, praying that a law may pass to incorporate a Hotel Company in said city.

2. Mr. Conner presented the petition of Samuel Rouse, praying

a divorce from his wife, Ruth Rouse.
3. Mr. Coffey presented the petitions of Jacob Smith and Jacob Spaw, praying that a law may pass changing the name of the said Jacob Spaw to that of Jacob Smith, and that the names of the children of the said Jacob Spaw be also changed to Smith.

4. Mr. Bramlette presented the petition of sundry citizens of Cumberland, praying that a law may pass changing the place of holding elections in an election precinct in said county.

5. Mr. McDonald presented the petition of William C. Yates and Mary Montgomery, executor and executrix of the will of William P. Montgomery, deceased, praying that a law may pass authorising the sale of a tract of land in Washington county, for the purpose of paying the balance of the price due for said land.

6. Mr. Nuttall presented the petition of Polly Buchanan, widow and administratrix of the estate of Smith Buchanan, deceased, praying that a law may pass authorising the sale of a tract of land in Oldham county, for the purpose of paying the debts of the deceased.

7. And Mr. Beaseman presented the petition of Sophia Griggs, praying a divorce from her husband, William P. Griggs.

The said petitions were severally received and referred.

The first, to a committee of Messrs. Guthrie, Chinn and Griffith; the second and seventh, to the committee of religion; the third, to a committee of Messrs. Coffey, Dejarnatt and Clark; the fourth, to the committee of propositions and grievances; and the fifth and sixth, to the committee of courts of justice.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Daviess—I. A bill to regulate the number of justices of

the peace in the county of Mercer.

By Mr. Chinn—2. A bill altering the times of holding the Fayette and Scott Circuit Courts.

By Mr. Willis—3. A bill to establish an election precinct on the south side of Green River in Green county.

By Mr. Clark—1. A veri amendatounty.

By Mr. Clark—1. A positive Librarian to an act concerning the

public library, and to appoint a Librarian.

By Mr. McHenry—5. A bill to enlarge the constable's district

for the town of Monticello.

By Mr. McDonald—G. A bill for the benefit of the Sheriffs of

By Mr. McDonald—S. A bill for the benefit of the Sheriffs of Washington county.

And by Mr. McHenry-7. A bill to increase the number of justices of the peace for the counties of Pulaski and Wayne.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first and sixth bills having been dispensed with, they were referred to the committee of courts of justice.

The rule of the Senate, constitutional provision and second and third readings of the second, third, fourth and fifth bills, having

been dispensed with, and the same being engrossed;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid, except the third, which was amended to read, an act to establish election precincts in Green and Mercer counties.

Mr. Willis from the committee appointed for that purpose, reported a bill to take the sense of the good people of this commonwealth, as to the expediency and propriety of calling a convention; which was read the first time; and the question being taken on reading the said bill a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Taylor and

Wingate, were as follows, viz:

YEAS—Messrs. Beaseman, Bramlette, Coffey, Conner, Daviess, Dougherty, Grider, Griffith, James, McDonald, McHenry, Nuttall, Parks, Prince, Roberts, Sisk, Southgate, Willis, Young—19.

NAYS—Messrs. Boyd, Brown, Chinn, Clark, Cunningham, Dejarnatt, Gholson, Gilbert, Heady, Murrell, H. Owsley, W. Owsley, Taylor, Thornton, Wingate—15.

The Speaker laid before the Senate the following report of the situation of the Bank of Kentucky.

(See Appendix—G.)

Ordered, That the said report be referred to the committee of Fiz nance; and that the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

The Speaker laid before the Senate the following report of the

Keeper of the Penitentiary.

(See Appendix—H.)

Ordered, That the said report be referred to the committee on the penitentiary; and that the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

A message in writing was received from the Governor by Mr.

Sanders, Secretary of State.

On the motion of Mr. Chinn,

Leave was given to the Editor of the Lexington Intelligencer to take a seat in the Senate chamber, for the purpose of reporting the proceedings of the Senate.

On the motion of Mr. Griffith,

Resolved, That so much of the Governor's message as relates to an act "To compel the speedy adjustment of land titles, and to secure the bona fide settler or occupant after seven years peaceable possession," be referred to the committee of courts of justice.

On the motion of Mr. Daviess,

Resolved, That so much of the Governor's message as relates to lands forfeited to the state, be referred to the committee on courts of justice.

Resolved, That so much of said message as relates to usury, be

referred to the committee on courts of justice.

Resolved, That so much of said message as relates to the mode of summoning petit juries, be referred to the same committee.

Resolved, That so much of said message as relates to the criminal

law, be referred to the same committee.

Resolved, That so much of said message as relates to education, be referred to the committee on Education.

Resolved, That so much of said message as relates to the Lunatic Asylum, be referred to the committee on Finance.

Resolved, That so much of said message as relates to the Peniten-

tiary, be referred to the committee on the Penitentiary.

Resolved, That so much of said message as relates to the militia and the erection of a public arsenal, be referred to a select committee,

Whereupon Messrs. Heady, Boyd, Coffey, Gholson and Dejarnatt were appointed a committee, pursuant to the last resolution.

On the motion of Mr. Thornton,

Resolved, by the Senate, That the Librarian of the public library procure a good seven plate stove to be set up in the library room immediately, if it can be done with safety to the house, and a fire to be kept therein during the hours of the session of the legislature.

On the motion of Mr. Clark,

Resolved, That so much of the Governor's message as relates to internal improvements, be referred to the committee of internal improvements.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie-1. A bill to establish the Bank of Kentucky.

On the motion of Mr. Taylor-2. A bill to incorporate a Bank in

the city of Maysville.

On the motion of Mr. Bramlette—3. A bill to incorporate a school to be known and designated the Union School of Cumberland county.

And on the motion of Mr. Chinn,-4. A bill to amend the law

relating to the abatement and revivor of suits.

Messrs. Guthrie, Wingate and Roberts were appointed a committee to prepare and bring in the first; Messrs. Taylor, Thornton and Parks the second; Messrs. Bramlette, Coffey and Gilbert, the third; and Messrs. Chinn, Clark and Grider, the fourth.

On the motion of Mr. Daviess,

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of repealing the second section of an act of the general assembly, entitled "an act to amend the several acts regulating conveyances" approved February 11th, 1820.

That said committee be also instructed to enquire into the expediency of extending the law which requires real estate to be valued, and giving the right to redeem the same, to all sales of real estate under Deeds of Trust, Decrees in Chancery, or in any other way, not now provided for by law.

And then the Senate adjourned.

SATURDAY, JANUARY 4, 1834.

The Senate assembled.

The Speaker laid before the Senate a letter from Porter Clay, late Auditor of public accounts, requesting the appointment of a joint committee of the Senate and House of Representatives, to examine the Auditor's office.

On the motion of Mr. Taylor,

A committee was appointed on the part of the Senate, consisting of Messrs. Taylor, Guthrie, W. Owsley, Wingate and James, to examine the Auditor's Office.

On the motion of Mr. Daviess,

A committee was appointed on the part of the Senate, consisting

of Messrs. Daviess, Chinn, Prince, Southgate and Murrell, to examine the Treasurer's office.

Ordered, That Mr. Taylor inform the House of Representatives of the appointment of the said committees, and request a similar ap-

pointment on their part.

1. Mr. Thornton presented the petition of the Trustees of the Bracken Academy, praying that a law may pass to place under the control and management of the Trustees of Augusta College, a fund of ten thousand dollars, belonging to said academy.

2. Mr. Daviess presented the petition of Luke Munsell, praying that a law may pass authorising a subscription on the part of the State, for a number of copies of the new edition of his map of

Kentucky.

3. Mr. Coffey presented the petition of William H. Nelson, guardian of the infant children of Philip Nelson, deceased, praying that a law may pass authorising the sale of a tract of land in Adair county, and a negro woman slave, the property of his said wards.

4. Also the petition of sundry citizens of Adair county, praying that a law may pass allowing an additional constable to said county.

The said petitions were severally received and referred: the first and third to the committee of courts of juistice; the second, to the committee of education; and the fourth, to a committee of Messrs. Coffey, H. Owsley and Bramlette.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Daviess from the committee of propositions and grievances—1. A bill changing the name of Alonzo Portus Buck, to Jozef Freon.

By Mr. Wingate form the committee of Religion-2. A bill for the benefit of Sophia Grigg.

By Mr. Coffey-3. A bill for the benefit of Jacob Spaw and his children.

And by Mr. Roberts—4. A bill to amend the execution laws of this commonwealth.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the fourth bill, having been dispensed with, it was referred to the committee of courts of justice.

Mr. Wingate from the committee of Religion, reported a bill for the benefit of Samuel Rouse, which was read the first time as fol-

lows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Samuel Rouse and Ruth, his wife, be dissolved, so far as relates to the said Samuel, and he is hereby restored to all the rights and privileges of an unmarried man.

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DESTRUCTION OF KUNTU

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The question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon, by Messrs. W. Owsley

and Gholson, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Conner, Cunningham, Dejarnatt, Dougherty, Heady, James, McDonald, McHenry, Nuttall, Parks, Roberts, Sisk, Southgate, Willis, Young—17.

NAYS—Messrs. Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Daviess, Gholson, Gilbert, Grider, Griffith, Guthrie, Murrell, H. Owsley, W. Owsley, Prince, Taylor, Thornton, Wingate—19.

A message in writing was received from the Governor by Mr.

Sanders, Secretary of State.

The message received from the Governor on yesterday was taken up, and read as follows, viz:

GENTLEMEN OF THE SENATE:

Since the adjournment of the Legislature in February, 1833, the following gentlemen have been commissioned until the end of your present session. I therefore nominate them for your advice and consent, to be commissioned to fill the offices respectively annexed to their names, to wit.

1. Walker Reid, to be Judge of the 1st Judicial District, in the

place of William P. Roper, deceased.

2. Thompson Ward, to be Commonwealth's attorney tor the 1st Judicial district, in the place of James Crawford, resigned.

3. James O. Harrison, to be Commonwealth's attorney for the 3d Judicial District, in the place of James Cowan, deceased.

4. David White, to be Judge of the 4th Judicial District, in the

place of Samuel Todd, resigned.

5. John M. Hewitt, to be Judge of the 5th Judicial District, in the place of Thomas Q. Wilson, resigned.

6. George C. Thurman, to be Commonwealth's attorney for the 9th Judicial District, in the place of William B. Booker, resigned.

7. Armistead H. Churchill, to be Judge of the 13th Judicial District, in the place of Paul I. Booker, resigned.

8. John C. Bucklin, to be Mayor of Louisville, having been elected by the votes thereof, for one year from their last election.

9. William B. Philips, to be Mayor of Maysville, having been elected by the votes thereof, to supply the vacancy occasioned by the death of Charles E. Wolf.

10. George G. Presbury, Jr. to be Notary Public for the coun-

ty of Jefferson-additional one allowed to said county.

11. William Nisbet, to be Notary Public for the county of Jefferson-additional one allowed to said county.

12. Robert F. Pulliam, to be Sheriff of Allen county, in the place of Robert McClary, resigned.

13. John Buckner, to be Sheriff of Christian county, in the place of David S. Patton, resigned.

14. D. S. Hays, to be Notary Public in and for the county of Christian, in the place of N. S. Dallam, resigned.

15. Richard C. Jett, to be Sheriff of Daviess county-the court

of said county having failed to nominate.

16. Edmund J. Bacon, to be Sheriff of Edmondson county, in the place of Samuel Sanders, resigned.

17. Joseph Clarke, to be Sheriff of Franklin county, in the

place of Lewis R. Major, resigned.

18. John Pearce, to be Sheriff of Henry county, in the place of Joel Jackson, deceased.

19. G. W. Ramsey, to be Notary Public for Jefferson county. 20. Charles Ward, to be Sheriff of Mason county, in the place of John Brown, deceased.

21. Edward S. Herndon, to be Sheriff of Scott, in the place of

Samuel Finley, deceased.

22. Daniel Bradford, to be Notary Public in, and for Scott county.

23. Martin Draper, to be Sheriff of Grant county, in the place

of Lewis Gregory, deceased.

24. Chasteen T. Dunavan, to be Sheriff of Warren county, in the place of John Keel, resigned.

JOHN BREATHITT.

January 3d, 1834.

Resolved, That the Senate advise and consent to the appointment of the several persons nominated in the said message, except to that of John M. Hewitt to be judge of the fifth judicial district.

Ordered, That Mr. Wingate inform the Governor thereof.

The nomination of John M. Hewitt was referred to the committee of courts of justice.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate—1. A bill to change the time of holding the court of claims in the county of Owen.

On the motion of Mr. Thornton—2. A bill declaratory of the

powers of the Bracken Academy.

On the motion of Mr. W. Owsley—3. A. bill to declare and explain the law concerning conveyances.

And on the motion of Mr. McHenry-4. A bill to increase the

jurisdiction of justices of the peace, and for other purposes.

Messrs. Wingate, Chinn and Clarke were appointed a committee to prepare and bring in the first bill, and the committee of courts of justice was directed to prepare and bring in the second, third and fourth.

And then the Senate adjourned.

MONDAY, JANUARY 6, 1834.

The Senate assembled.

1. Mr. Sisk presented the petition of Elizabeth Thompson, praying that a law may pass authorising the sale of a part of a tract of land of which her late husband, Thompson Thompson died seized.

2. Mr. Sisk also presented the petition of sundry citizens of Hopkins and Christian counties, praying that a law may pass prohibiting Willis Morgan from rebuilding his mill dam on Pond river.

3. Mr. Wingate presented the petition of John J. Jones, pray-

ing a divorce from his wife, Elizabeth Jones.

4. Mr. McDonald presented the petition of sundry citizens of Washington county, praying that an additional constable be allowed to the said county.

5. Mr. Bibb presented the petition of Lewis Ragsdale, praying

a divorce from his wife, Nancy Ragsdale.

6. And Mr. Coffey presented the petition of sundry citizens of Casey and Adair counties, praying that a law may pass requiring William and Edward Trabue to make certain alterations in their

mill dam across Green river.

The said petitions were severally received and referred: the first, to the committee of courts of justice; the second, to the committee of Internal Improvements; the third and fifth, to the committee of Religion; the fourth, to a committee of Messrs. McDonald, James and Griffith; and the sixth, to the committee of propositions and grievances.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Roberts—1. A bill to extend the bounds of the town of Elizabeth, in Hardin county, Kentucky.

By Mr. Bibb—2. A bill to allow an additional constable to the

county of Logan.

By Mr. Wingate—3. A bill to change the time of holding the court of claims in the county of Owen.

By Mr. Coffey-4. A bill granting certain powers to Lincoln,

Casey and Adair county courts.

And by Mr. Chinn—5. A bill to amend the laws relating to the abatement and revivor of suits.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred; the first, third and fifth, to the committee of Courts of Justice; the second, to a committee of Messrs. Grider, Bibb and McDonald; and the fourth, to the committee of Internal Improvements.

On the motion of Mr. Southgate,

Resolved, That the clerk of this house purchase six copies of the Digest of the Laws of Kentucky, at the expense of the Common-

wealth, for the use of the members of the Senate.

A message was received from the House of Representatives, announcing the passage of a bill from the Senate, entitled, an act amendatory to an act concerning the public library, and to appoint a Librarian, and the passage of bills which originated in that house, of the following titles, viz:

1. An act for the benefit of John Jones.

2. An act to direct the sale of a lot of ground and meeting-house in Bath county, called New Salem.

3. An act to change the place of voting in the precincts in Han-

cock county, including the town of Bloomfield.

An act to organize a fire company in the town of Frankfort.
 An act to allow additional terms to the Jessamine County Courts.

6. An act for the benefit of Frances Kerchival.

7. An act to allow two additional justices of the peace for Muh-

lenburg, and for other purposes, and

8. An act to amend an act entitled "an act to establish a road from Louisville to the state line, in a direction to Knoxville," approved January 22, 1833.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, second, sixth and eighth bills having been dispensed with, they were committed: the first, to the committee of Religion; the second, to the committee of courts of justice; the sixth, to the committee of finance; and the eighth, to the committee of Internal Improvements.

On the motion of Mr. James,

Resolved, That so much of the Governor's message as relates to the distribution of the proceeds of the sale of a tract of land of 4000 acres, binding on the Mississippi, including the town of Columbus, which was donated by the legislature of Virginia to the officers of her State and Continental line, be referred to the committee on courts of justice.

On the motion of Mr. Nuttall,

Resolved, by the Senate, That they deplore the loss of Col. John Rodman, late a Representative in this body from the counties of Henry and Oldham, who became, during the last summer, a victim to the scourge that visited our land; and, as a testimony of the regard of this body to his personal worth, and respect to his memory as a soldier and statesman, the members of the Senate will wear crape for thirty days on the left arm.

On the motion of Mr. Griffith,

Resolved, That the Senate of Kentucky are deeply impressed with the loss which this state has sustained by the death of John B. Thompson, late a member of this body; and, that the Senate will, as an evidence of their high estimation of the worth and gentlemanly deportment of the deceased, wear crape for one month, and that the Sergeant at Arms furnish the same.

On the motion of Mr. McHenry,

Resolved, That the public printer print one hundred and fifty copies of the Rules of the Senate, for the use of the general assembly.

Mr. Daviess moved for leave to bring in a bill to change the time of the meeting of the Legislature, and the question being taken thereon, it was decided in the negative, and so the said motion was rejected.

The yeas and nays being required thereon by Messrs. Daviess and

Thornton, were as follows, viz.

YEAS—Messrs. Beaseman, Bibb, Boyd, Coffey, Daviess, Gholson, McHenry, Nuttall, Parks, Roberts, Sisk, Willis, Wingate—13.

NAYS—Messrs. Brown, Chinn, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Gilbert, Grider, Griffith, Guthrie, James, McDonald, Murrell, H. Owsley, W. Owsley, Prince, Southgate, Taylor, Thornton, Young—21.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Daviess-I. A bill to amend the law au-

thorising the change of venue in actions at common law.

And 2. A bill to incorporate a company to construct a turn pike road from the Louisville turn pike road, by the way of Lawrenceburg, Harrodsburg, Danville, Stanford, to the Crab orchard.

And on the motion of Mr. Guthrie-3. A bill to regulate con-

stables.

Messrs. Daviess, Grider, Roberts and James were appointed a committee to prepare and bring in the first; Messrs. Daviess, Brown, H. Owsley and Wingate, the second; and Messrs. Guthrie, Daviess and Thornton, the third.

Bills of the following titles were severally read the second time,

viz:

1. A bill to establish two election precincts in Pulaski county.

2. A bill to increase the number of justices of the peace in the counties of Pulaski and Wayne.

3. A bill changing the name of Alonzo Portus Buck to Jozef Freon.

And 4. A bill for the benefit of Jacob Spaw and his children.

The first was referred to a committee of Messrs. Roberts, Brown, Wingate and McHenry; the second, to the committee of courts of justice; and the third and fourth were ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third read-

ing of the fourth bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

A bill for the benefit of Sophia Griggs was read the second time, and the question being taken on engrossing the said bill, and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gholson and

Beaseman, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Chinn, Clark, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Dougherty, Gilbert, James, McDonald, McHenry, Murrell, Nuttall, Parks, Roberts, Sisk, Southgate, Thornton, Willis, Young—25.

NAYS-Messrs. Brown, Gholson, Grider, Guthrie, H. Owsley,

W. Owsley, Prince, Taylor, Wingate-9.

The following bills were reported from the committees appointed to prepare and bring in the same, viz:

By Mr. Guthrie-A bill to regulate constables, and

By Mr. Coffey-A bill allowing an additional constable in Adair

The said bills were each read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were referred to the committee of courts of justice.

Ordered, That the public printer print one hundred and fifty

copies of the former bill, for the use of the general assembly.

And then the Senate adjourned.

TUESDAY, JANUARY 7, 1834.

The Senate assembled.

Mr. William P. Fleming, a member of the Senate from the coun-

ty of Fleming, appeared and took his seat.

Mr. Sisk presented the petition of John Ray, praying that the act of last session enlarging the bounds of the town of Madisonville be repealed, so far as it concerns or includes his lands.

Which petition was received and referred to the committee of

propositions and grievances.

Mr. W. Owsley, from the committee of courts of justice, made

the following report, viz:

The committee on courts of justice, to whom was referred sundry petitions, have had the same under consideration, and come to the following resolutions theron, viz:

Resolved, That the petition of Sarah Blackford, praying for the

passage of a law authorising the sale of a negro man belonging to the estate of her deceased husband, and providing for the purchase of another negro with the proceeds of the sale, be rejected.

Resolved, That the petition of Polly Buchanan, praying for the passage of a law authorising the sale of a tract of land which descended to the infant heirs of Smith Buchanan, deceased, be rejected.

Resolved, That the petition of William H. Nelson, praying that a law may pass authorising the sale of a tract of land and slave which descended to the infant heirs of Philip Nelson, deceased, be rejected.

Which was twice read and adopted.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill to allow an additional justice of the peace in Greenup county, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred a bill to amend the charter of the city of Louisville, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time tomorrow.

Mr. W. Owsley from the same committee, to whom was referred a bill to amend the laws relating to the abatement and revivor of suits, reported the same without amendment.

Mr. W. Owsley moved to amend the said bill by adding thereto additional sections.

The said bill and amendment were laid on the table.

Ordered, That the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

A message in writing was received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, viz:

An act allowing the county of Christian an additional justice of the peace, and for other purposes.

An act to change the place of voting at a precinct in Grant county, and for other purposes.

An act for the benefit of Edward Brown.

An act for the benefit of the widow and heirs of James Mallory, deceased.

An act for the benefit of the heirs of Samuel Allison, deceased. An act for the benefit of Amelia S. Barns.

An act for the benefit of Polly Rains. An act for the benefit of Elizabeth Dick.

An act to amend the acts concerning the town of Shepherdsville. An act to repeal an act, approved January 14, 1833, entitled, an act to authorise the Trustees of the New Port Seminary to sell their donation lands, and for other purposes.

An act to legalize the proceedings of the Caldwell County Court.

An act to allow additional justices of the peace and constables
to certain counties.

An act to impower the Trustees of the town of Lebanon to open alleys in said town.

An act to establish the town of Feliciana in Graves county.

An act to amend an act, entitled, an act to provide for the improvement of roads in certain counties, approved January 30, 1833.

An act allowing Wm. M. Hargue, of Laurel county, to erect a gate across the road leading from the Salt works to Whitley county, and for other purposes.

An act for the benefit of Elijah Barns, and

An act to authorise the election of Trustees for the town of Monticello.

Mr. Taylor from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Frances Kerchival, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Beaseman—I. A bill authorising the erection of a bridge across Main Licking, in Harrison county.

By Mr. Taylor—2. A bill incorporating the Maysville Insurance Company.

And by Mr. James—3. A bill to reduce the price of the vacant and unappropriated lands west of the Tennessee river, and to protect the settlers in saidland district.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred; the first, to the committee of Internal Improvements; the second, to the committee of courts of justice; and the third, to the committee of finance.

Mr. Grider from the committee to whom was referred a bill to

allow an additional constable to the county of Logan, reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time

to-morrow.

Mr. Roberts from the select committee, to whom was referred a bill to establish two election precincts in Pulaski county, reported the same with an amendment, which was twice read and concurred in. Ordered, That the said bill be engrossed, and read a third time.

The rule of the Sena e, constitutional provision, and third reading of the said bill having been dispensed with, and the same being

engrossed. Resolved, That the said bill do pass, and that the title thereof be amended by adding thereto, "and to change the place of voting in

an election precinct in Hardin county."

Mr. Roberts, from the committee appointed for that purpose, reported a bill to repeal the fifth section of the act of limitations, passed Dec. 17, 1796, which was read the first time as follows, viz: A bill to repeal the 5th section of the act of limitations, passed

December 17th, 1796. Section 1st. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the 5th section of the act of limitation, passed December 17th, 1796,

be and the same is hereby repealed. And the question being taken on reading the said hill a second time, it was decided in the negative, and so the said bill was rejected. The yeas and nays being required thereon by Messrs. Willis and

Gholson, were as follows, viz:

YEAS-Messis. Bramlette, Cunningham, Fleming, Grider, Ro-

berts, Southgate, Thornton-7.

NAYS-Messrs. Beaseman, Boyd, Brown, Chinn, Clark, Coffey, Conner, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Griffith, McDonald, McHenry, Murrell, Nuttall, W. Owsley, Parks, Prince, Sisk, Taylor, Willis, Wingate, Young-25.

On the motion of Mr. Willis,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so arranging the Judicial Districts of the state as to make one or more districts than there are now by law, and afford more time to such of the courts in the different circuits, as have not sufficient time, to transact the business.

Resolved, That said committee also enquire into the propriety of regulating the salaries of the Circuit Judges, Clerks and other officers.

On the motion of Mr. Roberts, leave was given to bring in a bill to amend an act, entitled, "an act to add part of the land of Richard Forrest to the town of Lebanon, approved November 15, 1831, and for other purposes: and Messrs. Roberts, Daviess and McDonald were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

WEDNESDAY, JANUARY 8, 1834.

The Senate assembled.

1. Mr. Taylor presented the petition of James J. Anderson, pray-

ing an amendment to the duelling law.

2. Mr. W. Owsley presented the petition of the devisees of Samuel Thorn, deceased, praying that a law may pass authorising the sale of a tract of land in Lincoln county, of which the said Samuel died seized.

3. Mr. W. Owsley also presented the petition of the administrators of the estate of Abner Pollard, deceased, praying that a law may pass authorising the sale of a tract of land in Garrard county,

of which the said Abner died seized.

The said petitions were severally received and referred: the first, to a committee of Messrs. Taylor, Chinn and Thornton; and the second and third to the committee of courts of justice.

Mr. W. Owsley from the committee of courts of justice, made

the following report, viz:

The committee on courts of justice, to whom was referred sundry petitions, have had the same under consideration, and have come to the following resolutions theron, viz:

Resolved, That the petition of Sally Baker praying for the passage of a law authorising the sale of land devised to her infant children,

be rejected.

Resolved, That the petition of Elizabeth Thompson, praying for the passage of a law authorising the sale of land belonging to the estate of her deceased husband, be rejected.

Resolved, That the petition of Catharine Hill, praying for the passage of a law authorising the sale of lands belonging to the estate of her deceased husband, James Hill, be rejected.

Which was twice read and adopted.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills of the following titles, viz:

A bill to increase the number of justices of the peace in the

counties of Pulaski and Wayne.

A bill to repeal an act, entitled, an act to incorporate the Louisville Hotel Company.

And a bill incorporating the Maysville Insurance Company, reported the same with amendments to each,

Which were twice read and concurred in.

Ordered, That the said bills be engrossed and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being

engrossed:

Resolved, That the said bills do pass, and that the titles of the first and third be as aforesaid; and that the title of the second be amended by striking out 'repeal' and inserting in lieu thereof 'amend.'

M. W. Owsley from the same committee, to whom was referred a bill to extend the bounds of the town of Elizabeth in Hardin county, Kentucky, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to direct the sale of a lot of ground and meeting house in Bath county, called New Salem, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

On the motion of Mr. W. Owsley,

The committee of courts of justice was discharged from the duty of preparing and bringing in a bill to increase the jurisdiction of justices of the peace, and for other purposes.

Mr. Parks from the committee of privileges and elections, made

the following report, viz:

The Committee of Privileges and Elections have, according to order, had under consideration the returns from the several Senatorial Districts, and report the following gentlemen elected, viz:

From the counties of Calloway, Hickman, McCracken and Graves, Thomas James; from the counties of Livingston, Caldwell and Trigg, Enoch Prince; from the counties of Christian and Todd, James Gholson; from the counties of Logan and Simpson, John B. Bibb; from the counties of Henderson, Union and Hopkins, Andrew Sisk; from the counties of Warren and Allen, Henry Grider; from the counties of Barren and Edmondson, Hezekiah P. Murrell; from the counties of Green and Hart, William T. Willis; from the counties of Cumberland and Monroe, Ambrose S. Bramlette; from the counties of Adair, Casey and Russell, Jessey Coffey; from the counties of Pulaski and Wayne, John McHenry; from the counties of Breckenridge, Hancock, Ohio and Daviess, William R. Griffith; from the counties of Butler, Grayson and Muhlenburg, William Cunningham; from the counties of Hardin and Mcade, George Roberts; from the city of Louisville and the counties of Jefferson and Bullitt, James Guthrie; from the counties of Oldham and Henry, Price Nuttall; from the county of Shelby, William G. Boyd; from the counties of Nelson and Spencer, Stilwell Heady; from the county of Washington, James McDonald; from the county of Mer-

cer, Samuel Daviess; from the counties of Lincoln, Rockcastle and Laurel, Henry Owsley; from the county of Garrard, William Owsley; from the county of Madison, James Dejarnatt; from the counties of Knox, Clay, Harlan and Whitley, John Gilbert; from the counties of Gallatin, Boone and Grant, Robert S. Dougherty; from the counties of Campbell and Pendleton, Richard Southgate; from the counties of Nicholas and Bracken, James Parks; from the counties of Franklin, Owen and Anderson, Cyrus Wingate; from the counties of Harrison and Scott, John R. Beaseman; from the county of Bourbon, John K. Thornton; from the county of Favette. Richard H. Chinn; from the counties of Woodford and Jessamine, George I. Brown; from the counties of Montgomery and Bath, Aquilla Young; from the counties of Greenup, Lewis and Lawrence, Willim Conner; from the county of Fleming, William P. Fleming; from the county of Mason, Robert Taylor; from the counties of Morgan, Floyd, Pike and Perry, David K. Harris; from the counties of Clark and Estill, James Clark.

The Committee find that the term of service of John B. Bibb, William Cunningham, William G. Boyd, Henry Owsley, James Dejarnatt, Robert S. Dougherty, James Parks, John O. Beaseman, George I. Brown, and William Conner will expire in the year 1834.

James Gholson, William R. Griffith, James Guthrie, Price Nuttall, Stilwell Heady, William P. Flemming, David K. Harris, Robert Taylor and James Clark, in the year 1835.

Thomas James, Andrew Sisk, Hezekiah P. Murrell, William T. Willis, Jesse Coffey, John McHenry, George Roberts, William Owsley, Cyrus Wingate and Aquilla Young, in the year 1836.

Enoch Prince, Henry Grider, Ambrose S. Bramlette, Samuel Daviess, James McDonald, John Gilbert, Richard Southgate, John R. Thornton and Richard H. Chinn, in the year 1837.

The said report was concurred in.

Mr. Wingate from the committee of religion, to whom was referred the petition of Nancy Bright, praying a divorce from her husband, Isaiah Bright; the petition of Lewis Ragsdale, praying a divorce from his wife, Nancy Ragsdale; and the petition of ohn J. Jones, praying a divorce from his wife, Elizabeth Jones, reported the following resolution thereon, viz:

Resolved, That the said petitions be rejected. Which was twice read and concurred in.

A message was received from the House of Representatives, announcing the passage of bills which originated in that house, of the following titles, viz:

An act to change the name of Westley Blake. An act for the benefit of William Garrett.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek in Perry county.

An act to establish an election precinct in Graves county.

An act for the benefit of Alfred Bowren.

An act authorising Levi Jones to withdraw the will of Richard Jones Waters, from the county court of Jefferson.

An act for the benefit of Samuel Payne, and the heirs and repre-

sentatives of John Pattie, deceased.

An act for the benefit of Mark Phelps. An act for the benefit of Mathias Davies. An act for the benefit of Milly Stogdale.

An act to authorise Fleming Jones to build a mill dam across the

South Fork of Little Barren river.

An act appropriating certain lands for improving certain roads

in Harlan county.

An act to build a bridge across Jilico river in Whitley county, and An act to authorise the Board of Internal Improvements for Shelby county to erect a toll gate.

And the passage of a bill from the Senate entitled an act altering the times for holding the Fayette and Scott Circuit courts.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Grider—1. A bill supplementary to an act, entitled, an act to remove the obstructions to navigation at the falls of Green river, and for other purposes, approved 2nd February, 1833.

On the motion of Mr. Wingate-2. A bill to regulate the terms

of certain circuit courts, and for other purposes.

On the motion of Mr. Sisk-3. A bill for the benefit of Samuel

Woodson, clerk of the Hopkins county court.

On the motion of Mr. Cunningham-4. A bill to alter the time

of holding the Butler circuit and county courts.

And on the motion of Mr. Daviess—5. A bill to amend the law in relation to the trial of the right of property taken under execution.

Messrs. Grider, Clark and Willis were appointed a committee to prepare and bring in the first; Messrs. Wingate, Brown, Boyd, Dougherty and Guthrie, the second; Messrs. Cunningham, Grider and Wingate the fourth; Messrs. Daviess, Chinn, Clark and Brown, the fifth; and the committee of finance was directed to prepare and bring in the third.

On the motion of Mr. Roberts,

Ordered, That Mr. Willis be added to the committee of propositions and grievances.

On the motion of Mr. Daviess,

Resolved, That the committee on courts of justice be instructed to enquire into the expediency of defining more particularly, by law, who shall be answerable to the purchaser of property sold under execution, or decree in chancery, where the same shall be afterwards lost by a superior claim existing at the time of said sale.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. W. Owsley from the committee of courts of justice-1.

A bill to amend the law concerning executions.

By Mr. Roberts from the committee on education—2. A bill to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's improved map of Kentucky, and for other purposes.

By Mr. Guthrie—3. A bill to establish the Bank of Kentucky. By Mr. Taylor—4. A bill to incorporate the Bank of Maysville. By Mr. Daviess—5. A bill to amend the law authorising the change of venue in civil cases.

By Mr. Bramlette-6. A bill to incorporate the Union School

for Cumberland county, Kentucky.

By Mr. Guthrie-7. A bill to incorporate the Galt house Com-

pany.

And by Mr. Grider—S. A bill supplementary to an act, entitled, an act to remove the obstruction to the navigation at the falls of Green river, and for other purposes, approved 2nd February, 1833.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the third, fourth, fifth, seventh and eighth bills having been dispensed with, they were referred: the third and fourth, to the committee of finance; the fifth and seventh, to the committee of courts of justice; and the eighth, to the committee of internal improvements.

The rule of the Senate, constitutional provision, and second and third readings of the sixth bills having been dispensed with, and

the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Resolved, That the public printer print one hundred and fifty copies of the third, fourth, and fifth bills for the use of the general assembly.

The message from the Governor received on the 4th instant was

taken up and is as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, Benjamin Selby, to be commissioned Auditor of public accounts, in the place of Porter Clay, resigned.

JOHN BREATHITT.

Frankfort, January 4, 1834.

Ordered, That the said nomination be referred to a committee of Messrs. Thornton, Daviess, Clark, Coffey, Murrell, McDonald, Wingate, Gholson and Brown.

Mr. Clark moved the following resolution, viz:

Resolved, That the Governor be requested to furnish the Senate

with the originals, or copies, of the several recommendations for the applicants for the office of Auditor.

And the question being taken on the adoption of said resolution, it was decided in the affirmative. The Senate being equally divided the Speaker voted in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Gholson, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Fleming, Gholson, Grider, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Taylor, Thornton—18.

NAYS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Guthrie, Heady, McDonald, McHenry, Nuttall, Parks, Prince, Sisk, Southgate, Willis, Wingate, Young—18.

Ordered, That Mr. Clark inform the Governor thereof.

And then the Senate adjourned.

THURSDAY, JANUARY 9, 1834.

The Senate assembled.

1. Mr. Guthrie presented the petition of sundry citizens praying that a law may pass authorising the appointment of an additional judge of the Jefferson circuit court, whose sole duty it shall be to preside over the chancery court.

2. Mr. Guthrie also presented the memorial of twenty-nine of the members of the Jefferson bar, requesting that the Senate do not advise and consent to the appointment of John M. Hewitt as circuit

judge of the fifth judicial district.

3. Mr. Taylor presented the petition of sundry citizens of Maysville, praying that a law may pass incorporating the Bank of Maysville.

4. Mr. Coffey presented the petition of William and Edward Trabue, and sundry citizens of Adair and Casey counties, praying that the mill and dam of the said Trabues, on Green river, may be

continued as they now are.

5. Mr. Thornton presented the petition of Samuel Love, administrator of the estate of John Smith, deceased, praying that a law may pass authorising a sale of the real estate of the deceased, for the purpose of paying his debts.

6. Mr. McDonald presented the petition of Reuben Kemp, pray-

ing a divorce from his wife, Elizabeth Kemp.

7. And Mr. Chinn presented the petition of Celia E. Johnson, Seth Johnson and Jane Johnson, by their mother and guardian, Mary Johnson, praying that a law may pass authorising the sale of a small tract of land in Fayette county, owned by them.

The said petitions and memorial were severally received and re-

ferred; the first, second, fifth and seventh, to the committee of courts of justice; the third to the committee of finance; the fourth, to the committee of propositions and grievances; and the sixth to the committee of Religion.

A message was received from the House of Representatives, announcing the passage of a bill from the Senate, entitled, an act to authorise the insertion of certain advertisements in 'the Advocate of Popular Rights,' printed in Shelbyville, with amendments: and the passage of bills which originated in that house, of the following titles, viz:

An act to authorise the receiver of public monies for the land district west of the Tennessee river, to grant certificates to certain persons therein named.

An act for the benefit of Robert Sanders.

An act to extend the boundaries and jurisdiction of the town of Paducah.

An act to repeal so much of the act of 1798 as forfeits the estate of infant wards who marry against the will of their guardians.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act for the benefit of the heirs of James Y. Kelly, deceased.

An act for the benefit of Robert Welch.

An act to divorce Patrick W. Carson,

An act for the benefit of Mary Peters.

An act for the benefit of Keziah Arnold.

An act for the benefit of Colemansville.

An act to extend the boundary of the Maysville election precinct in the county of Mason, and

An act to regulate the fines and forfeitures of Nicholas county.

Mr. W. Owsley from the committee of courts of justice, to whom was referred a bill for the benefit of the Sheriff of Washington county; and a bill to regulate the number of justices of the peace in the county of Mercer, reported the same with an amendment to the former bill, which was twice read and concurred in.

Ordered, That the said bills be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being engrossed.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. W. Owsley from the committee of courts of justice reported 1. A bill to establish a judicial district; and 2. A bill to declare and explain the law concerning conveyances.

And Mr. Daviess from the committee appointed for that purpose, reported a bill to amend the law in relation to the trial of the right of property taken under execution.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first and third bills having been dispensed with, the first was placed in the orders of the day; and the third was referred to the committee of courts of justice.

Ordered, That the public printer print one hundred and fifty copies of the first and second bills, for the use of the general assembly.

Mr. Clarke from the committee of internal improvements, to whom was referred a bill granting certain powers to the Lincoln, Casey and Adair county courts, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time

to-morrow.

On the motion of Mr. Daviess,

Resolved, That the committee on courts of justice, be instructed to enquire into the expediency of amending the laws in relation to the navigable streams in this commonwealth, so as to punish those who may obstruct the same, by other and further punishments than are now imposed by law.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Heady—1. A bill to amend an act, entitled, an act to authorise the establishment of a road from Harrodsburg to the Lexington road from Bardstown, and for other purposes, approved January the 22d, 1833.

On the motion of Mr. Chinn-2. A bill for the benefit of Ann

Jane Luckett, and others.

On the motion of Mr. Gilbert—3. A bill declaring Goose creek navigable from Col. Garrard's salt works, up to the mouth of Otter creek.

And on the motion of Mr. Coffey-4. A bill to regulate the debt

due the Bank of the Commonwealth.

Messrs. Heady, Daviess, McDonald and Willis were appointed a committee to prepare and bring in the first; Messrs. Gilbert, Dejarnatt and McHenry, the third; Messrs. Coffey, Taylor and Brown, the fourth; and the committee of courts of justice was directed to prepare and bring in the second.

An engrossed bill, entitled, an act changing the name of Alonzo Portus Buck to Jozef Freon, was read the third time, and the question being taken on the passage thereof, it was decided in the nega-

tive, and so the said bill was rejected.

An engrossed bill entitled, an act for the benefit of Sophia

Griggs, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

An act to change the place of voting in the precinct in Hancock

county, including the town of Bloomfield.

And an act to organise a fire company in the town of Frankfort, were each read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the latter bill, having been dispensed with,

 $R_{esolved}$, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Clark,

Ordered, That Mr. Murrell be added to the committee of internal improvements.

And then the Senate adjourned.

FRIDAY, JANUARY 10, 1834.

The Senate assembled.

1. Mr. Daviess presented the petition of sundry citizens of Mercer county, praying that a law may pass allowing an additional constable to said county.

2. Mr. Brown presented the petition of sundry citizens of the city of Louisville and the county of Jefferson, praying that the Senate advise and consent to the appointment of John M. Hewitt as judge of the fifth judicial District.

3. Mr. Guthrie presented the petition of sundry citizens, praying that a donation of vacant land may be made to Jacob Lewis to

enable him to carry on the Louisville Pottery.

4. And Mr. Willis presented the petition of sundry citizens of Hart and Green counties, praying for an appropriation of money to improve the navigation of Little Barren river, and to improve the Nashville road over Elkhill.

The said petitions were severally received and referred: the first and second, to the committee of courts of justice; the third, to a committee of Messrs. Guthrie, Clark, Wingate, James and Prince; and the fourth, to the committee of internal improvement.

A message in writing was received from the Governor, by Mr.

Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up and read as follows: viz:

GENTLEMEN OF THE SENATE:

I have been furnished with a copy of a resolution of your body, adopted on the 8th instant, requesting me "to furnish the Senate with the originals, or copies, of the several recommendations for the applicants for the office of Auditor."

It is a ways a source of regret that I am at any time compelled to differ with the Senate, in relation to the interchange of business,

concerning Executive nominations.

The papers called for, are not official documents of the executive office, but are like various oral communications on the same subject addressed to myself, for my own consideration; many of them are private in their character.

I am not aware that a like requisition has ever been made in the history of the Government, save one to some extent similar, which was from a chairman of a select committee of the Senate at the last session of the Legislature, and which was then refused.

It is the duty of the executive to make nominations for office, and that of the Senate to advise and consent to, or, reject them—each should act independently of the other. But if any gentleman shall desire to see any recommendations in my possession, in behalf of any gentleman recommended to me, it will afford me pleasure to exhibit them to him, or such of them as are not essentially private in their character.

Fully impressed, therefore, with the conviction that it would be improper for me to lay them officially before the Senate as public documents, I must beg leave, most respectfully, to decline doing so.

JOHN BREATHITT.

Frankfort, January 10, 1834.

On the motion of Mr. Clark, the said message was laid on the table.

Mr. Clark from the committee of internal improvements, to whom was referred a bill authorising the erection of a bridge across main Licking, in Harrison county, reported the same without amendment.

Grdered, That the said bill be engrossed, and read a third time

to-morrow.

A message was received from the House of Representatives, announcing the passage of a bill entitled, an act to provide for the annual appointment of commissioners to take in lists of taxable property, and for the annual valuation thereof.

The said bill was read the first time, and ordered to be read a

second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was refer-

red to the committee of finance.

Mr. Clark from the committee of Internal Improvements, to whom was referred a bill supplemental to an act to remove the obstruction to navigation at the falls of Green River, and for other purposes, approved 2d February, 1833, reported the same with an amendment, which was twice read and concurred in, and the said bill was committed to a committee of the whole house on the state of the Commonwealth, for to-morrow.

Ordered, That the public printer print one hundred and fifty copies of the said bill, for the use of the general assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Wingate—I. A bill to amend an act, entitled, an act for the benefit of Religious societies in this Commonwealth, approved February 1, 1814.

On the motion of Mr. Roberts—2. A bill to amend an act authorising the taking of depositions of clerks in certain cases, to be

read in actions at common law.

On the motion of Mr. Brown—3. A bill to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles.

And on the motion of Mr. Wingate—4. A bill to provide for reviewing, opening and establishing a road from Frankfort to Williamstown in Grant county.

The committee of Religion was directed to prepare and bring in the first; the committee on courts of justice, the second; Messrs. Brown, Wingate and Chinn were appointed a committee to prepare and bring in the third; and Messrs. Wingate, Southgate, Dougherty and Beaseman, the fourth.

Mr. Roberts having obtained leave, reported a bill for the benefit of the United Baptist church at Elizabethtown, called Severns Valley, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to

the committee of Religion.

Mr. Roberts from the committee appointed for that purpose, reported a bill to amend an act, entitled, an act to add part of the land of Richard Forrest to the town of Lebanon, approved November 15, 1831, and for other purposes, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bill having been dispensed with, it was referred to

the committee of courts of justice.

Mr. McHenry having obtained leave, reported a bill to appropriate 15,000 acres of the vacant and unappropriated lands in Pulaski county, for the purpose of improving roads and building bridges in said county; the first reading of which was dispensed with, and it was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred

to the committee of internal improvements.

Bills from the House of Representatives, entitled, an act to allow additional terms to the Jessamine county court; and

An act to allow two additional justices of the peace for Muhlen-

burgh and for other purposes; were each read the second time, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading

of the former bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time, and ordered to be read a second time, viz:

An act allowing to the county of Christian an additional justice

of the peace; and for other purposes.

An act to change the place of voting at a precinct in Grant coun-

ty; and for other purposes.

An act to repeal an act approved January 14, 1833, entitled, an act to authorise the trustees of the Newport Seminary, to sell their donation lands; and for other purposes.

An act to legalize the proceedings of the Caldwell county court. An act to impower the trustees of the town of Lebanon, to open alleys in said town, and

An act to establish the town of Feliciana in Graves county.

The amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to authorise the insertion of certain advertisements in the Advocate of Popular Rights, printed in Shelbyville, were taken up, twice read and concurred in.

Bills from the House of Representatives of the following titles,

viz:

1. An act for the the benefit of Edward Brown.

2. An act for the benefit of the widow and heirs of James Mallory.

3. An act for the benefit of the heirs of Samuel Allison, dec'd.

4. An act for the benefit of Amelia S. Barnes.

5. An act for the benefit of Polly Rains.6. An act for the benefit of Elizabeth Dick.

7. An act to amend the acts concerning the town of Shepherds-ville.

8. An act to amend an act, entitled, an act to provide for the improvement of roads in certain counties, approved January 30, 1833.

9. An act allowing Wm. McHargue, of Laurel county, to erect a gate across the road leading from the Salt works to Whitley county, and for other purposes.

10. An act for the benefit of Elijah Barnes, and

11. An act authorising Levi Jones to withdraw the will of Richard Jones Waters, from the county court of Jefferson;

Were severally read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred: the first to the committee of finance; the second, third, se-

venth, ninth and eleventh, to the committee of courts of justice; the fourth, fifth and sixth, to the committee of Religion; and the eighth and tenth, to the committee of internal improvements.

A bill from the House of Representatives entitled, an act to allow additional justices of the peace and constables to certain counties, was read the first time; and the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was disagreed to.

A bill from the House of Representatives entitled, an act to authorise the election of trustees for the town of Monticello, was

read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

An engrossed bill entitled, an act to amend the charter of the city of Louisville was read the third time.

Mr. Willis moved to amend the said bill by adding thereto the

following engrossed clause by way of ryder, viz:

Provided, either party shall be entitled to an appeal from the judgment of the court, or the virdict of the jury, on the writ ad quod damnum, and from the judgment of the court appointing a commissioner to convey the fee simple in the lots or parts of lots intended to be conveyed, to the court of appeals, agreeably to the laws now in force.

And the question being taken on adopting the said amendment,

it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Willis and Guthrie, were as follows, viz:

YEAS-Messrs. Bramlette, Heady, McHenry, Sisk, Willis, Win-

gate, Young-7.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie McDonald, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Southgate, Taylor—25.

The question was then taken on the passage of the said bill, and

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Parks, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey; Conner, Cunningham, Dougherty, Gholson, Gilbert, Grider, Guthrie, Heady, McDonald, McHenry, Murrell, Nuttall, H. Owsley, W. Owsley, Southgate, Taylor, Wingate, Young—26.

NAYS-Messrs. Daviess, Dejarnatt, Parks, Sisk, Willis-5.

On the motion of Mr. Daviess.

Resolved, That the Secretary of State, be requested to furnish

the Senate with a list containing the number of justices of the peace in the several counties in this Commonwealth.

On the motion of Mr. Taylor,

Resolved, That the Register of the Land Office be and he is hereby requested to report to the Senate, the quantity of land heretofore appropriated by the several acts of Assembly to each of the several counties in this Commonwealth, for the purpose of opening and improving public roads.

And then the Senate adjourned.

SATURDAY, JANUARY 11, 1834.

The Senate assembled.

The Speaker laid before the Senate a letter from Jacob Lewis, the proprietor of the Louisville Pottery, which was read and referred to a committee of Messrs. Guthrie, Clark, Wingate, James and Prince,

Mr. Heady, presented the petition of sundry citizens of Nelson county, praying that a law may pass authorising Elijah Barnes to build a fish dam and trap on the Beech fork, which was received and referred to the committee of internal improvements.

Mr. Taylor from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act to provide for the annual appointment of commissioners to take in lists of taxable property, and to provide for the annual valuation thereof, reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. Wingate from the committee appointed for that purpose, reported a bill to provide for reviewing, opening and establishing a road from Frankfort to Williamstown, in Grant county, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second read-

ing of the said bill having been dispensed with,

Ordered, That the same be engrossed and read a third time on Monday next.

An engrossed bill, entitled, an act to allow an additional consta-

ble to the county of Logan, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be amended to read, an act to allow additional constables to Logan, Hardin, Meade and Washington counties.

A message from the House of Representatives, announcing the passage of bills and a resolution, which originated in that house, of the following titles, viz:

An act to authorise the taking of depositions in a summary way,

to perpetuate testimony.

An act to prevent the sale of growing crops.

An act appropriating a portion of the vacant lands in the district of country West of the Tennessee river, for the purposes of education, or of making certain improvements in said district, and for other purposes.

An act to establish the town of the Stamping Ground, in Scott

county.

An act to authorise the clerk of the Wayne county court to transcribe certain records in his office, and

A resolution for appointing a joint committee to examine the Re-

gister's office.

A bill from the House of Representatives, entitled, an act to change the name of Westley Blake, was read the first time; and the question being taken on reading the same a second time, it was decided in the negative; and so the bill was disagreed to.

Bills from the House of Representatives of the following titles,

viz:

An act for the benefit of William Garnett.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek in Perry county.

An act to establish an election precinct in the county of Graves.

An act for the benefit of Samuel Payne, and the heirs and repre-

sentatives of John Pattie, deceased.

An act to authorise the receiver of public moneys for the land district west of the Tennessee river, to grant certificates to certain persons therein named; were severally read the first time, and ordered to be read a second time.

Bills from the House of Representatives of the following titles were severally read the first time, and ordered to be read a second

time, viz:

- 1. An act for the benefit of Alfred Bowren.
- An act for the benefit of Mark Phelps.
 An act for the benefit of Mathias Davies.
- 4. An act for the benefit of Milly Stogdale.
- 5. An act to authorise Fleming Jones to build a mill dam across the South Fork of Little Barren river.
- 6. An act appropriating certain lands for improving certain roads in Harlan county.
 - 7. An act to build a bridge across Jilico river in Whitley county.
- 8. An act to authorise the Board of Internal Improvements for Shelby county to erect a toll gate.
 - 9. An act for the benefit of Robert Sanders.

10. An act to extend the boundaries and jurisdition of the town of Paducah.

11. An act to repeal so much of the act of 1798 as forfeits the estate of infant wards who marry against the will of their guardians.

12. An act for the benefit of the estates of Robert Scott and John E. Shropshire.

13. An act for the benefit of the heirs of James Y. Kelly, decd.

14. An act for the benefit of Thomas Welch.

15. An act to divorce Patrick W. Carson.16. An act for the benefit of Cary Peters.17. An act for the benefit of Keziah Arnold.18. And an act for the benefit of Colemansville.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred: the first, to the committee of finance; the second, third, fourth, fourteenth, fifteenth, sixteenth and seventeenth, to the committee of religion; the fifth, sixth, seventh and eighth, to the committee of internal improvements; the ninth, to a committee of Messrs. Dougherty, Wingate and Bibb; and the tenth eleventh, twelfth, thirteenth and eighteeth, to the committee of courts of justice.

A bill to amend the law concerning executions, was read the se-

cond time.

Ordered, That the said bill be engrossed, and read a third time on Monday next; and that the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

and fifty copies thereof, for the use of the general assembly.

A bill to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's improved map of Kentucky, and for other purposes, was read the second time, and referred to a committee of Messrs. Thornton, Roberts, Taylor, Guthrie, W. Owsley and Heady.

A bill to establish a judicial district was laid on the table.

Mr. Conner from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz: An act to authorise the insertion of advertisments in certain newspapers; An act amendatory to an act concerning the public Library and to appoint a Librarian; and an act altering the times for holding the Fayette and Scott circuit courts, and had found the same truly enrolled: That the said bills were signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented

to the Governor for his approbation and signature.

After a short time Mr. Conner reported that the committee had

performed that duty.

Bills from the House of Representatives entitled, an act to extend the boundaries of the Maysville election precinct in the county of Mason; and an act to regulate the fines and forfeitures of

Nicholas county, were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, JANUARY 13, 1834.

The Senate assembled.

The Speaker laid before the Senate the following report of the Register of the land office, viz:

LAND OFFICE, 13th January, 1834.

In obedience to a resolution of the Honorable Senate of Kentucky, dated the 10th instant, requesting the Register of said office to report to them the quantity of land heretofore appropriated by the several acts of assembly, to each of the several counties in the commonwealth, for the purpose of "opening or improving roads," the Register respectfully makes the following report, viz:

To the country of	W	ACRES.
To the county of		22,000
"	Casey,	17,000
66	Russell,	5,000
66	Monroe,	5,000
66	Allen,	10,000
66	Pike,	8,000
"	Cumberland,	8,000
46	Knox and Laurel,	10,000
66	Floyd,	56,000
"	Pike, Floyd and Lawrence,	40,000
	Montgomery, Estill and Clay,	
"	Pulaski,	36,000
"		11,000
	Lawrence, Morgan and Bath,	24,000
	Lawrence, Morgan, Bath & Montgomery	,38,000
"	Laurel,	13,500
"	Perry,	26,000
"	Clay and Harlan,	14,000
66	Clay and Perry,	4,000
"	Union,	5,000
66	Rockcastle,	6,000
"	Bath, Fleming and Greenup,	
66	Manney and Greenup,	30,000
"	Morgan,	23,000
	Fleming, -	6,000

	county	of Whitley, Barren,	- 8,000
app.ha	66	Livingston, -	12,000
	66	Muhlenburg,	2,000
111111111111111111111111111111111111111	c.	Hopkins,	4,000
	66	Logan, -	5,000
	66	Butler, -	2,000
	66	Edmondson, -	2,000
	66	Lawrence and Morgan, -	- 4,000
	- 66	Henderson,	5,000
	66	Caldwell,	2,000

In addition to which, there has been given to the county of Laurel, all the public lands south of the Reserve line, and north of

Laurel river, in said county.

The Register would further remark, that where several counties are named in the same act, it is impossible for him to ascertain the exact amount given to each county, and that owing to great variety. of heads under which those donation acts are to be found, some of them may have been overlooked. All of which is respectfully submitted. JOHN M. FOSTER, R. L. Office.

Ordered, That the said report be referred to the committee of Finance, and that the public printer print one hundred and fifty copies thereof for the use of the general assembly.

1. Mr. Prince presented the petition of the Trustees of the town of Eddyville, praying that the laws concerning said town may be

amended.

2. Mr. Parks presented the petition of Matthias Davis, praying

a divorce from his wife, America Davis.

3. Mr. Cunningham presented the remonstrance of Willis Morgan, against the passage of a law to prohibit him from building his mill dam across Pond river, and

4. Mr. Fleming presented the petition of the heirs of Nicholas Gardner, deceased, praying the passage of a law authorising the sale of a tract of land which belonged to the said Gardner.

Which petitions and remonstrance were received and referred, the first and third, to the committee of propositions and grievances; the second, to the committee of Religion; and the fourth, to the committee of courts of justice.

Mr. W. Owsley, from the committee of courts of justice, reported

the following resolution, viz:

Resolved, That the petition of Mary S. Johnson, praying for the passage of a law authorising the sale of a tract of land which was conveyed by James Johnson, in his lifetime, to his infant children, be rejected.

Which was twice read and concurred in.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Samuel Allison, deceased, reported same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred a bill to amend the law in relation to the trial of the right of property taken under execution, reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass; which was twice read and concurred in, and so the said bill was rejected.

Mr. W. Owsley from the same committee, who were instructed to enquire into the expediency of defining more particularly by law, who shall be answerable to the purchaser of property sold under execution or decree in chancery, where the same shall be afterwards lost by a superior claim existing at the time of said sale, reported that it is not expedient to legislate on that subject—which report was concurred in.

Mr. Daviess from the committee of propositions and grievances, reported a bill to amend an act entitled, an act enlarging the town of Madisonville, in the county of Hopkins, approved January 25, 1833, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed,

Revolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Clark from the committee of internal improvements, to whom was referred a bill from the House of Representatives, entititled, an act to amend an act, entitled, an act to establish a road from Louisville to the state line in a direction to Knoxville, approved January 22, 1838; reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Clark from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Elijah Barnes.

And an act to authorise Fleming Jones to build a mill dam across the South Fork of Little Barren river, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the latter bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Clark from the same committee to whom was referred a bill from the House of Representatives entitled, an act to authorise the Board of internal improvements for Shelby county to erect a toll gate, reported the same, with a recommendation that it ought not to pass.

The said bill was laid on the table.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Daviess—A bill for the benefit of the Jailor of Mercer county.

And on the motion of Mr. Griffith-A bill to amend an act, en-

titled, an act to incorporate the Bonharbor Coal Company.

Messrs. Daviess, Willis and Heady, were appointed a committee to prepare and bring in the former; and Messrs. Griffith, Guthrie and Bibb, the latter bill.

On the motion of Mr. Roberts,

Resolved, That the committee of courts of justice, be, and they are hereby instructed to take under consideration the importance of the subject of requiring Physicians of this Commonwealth first to obtain a Diploma of their qualifications in the science of Medicine, before they shall be permitted to practice medicine, and report by bill or otherwise.

On the motion of Mr. Murrell,

Resolved, That the committee of courts of justice be instructed to enquire into the propriety and expediency of so arranging the Judicial Districts as to require, as near as may be, the services of the several Judges to be equalized, and report by bill or otherwise.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the

following titles, viz:

An act for the benefit of Mark Philips.

An act for the benefit of Bennet B. Jones.

Anact to add a part of the county of Knox to the county of Laurel.

An act for the benefit of Henry Weddington.

An act to improve and open the road from the Rocky Spring in Harrison county, by the way of Colemansville, to Williamstown in Grant county.

An act for the benefit of Margaret Gorman. An act for the benefit of Elizabeth Chapman. An act to establish the county of Marion.

And an act to amend an act, entitled, an act for incorporating the

Hartford Bridge Company, approved December 5, 1823.

Mr. Thornton from the committee to whom was referred a bill to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's improved map of Kentucky, and for other purposes, reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time

to-morrow.

On the motion of Mr. Clark,

Resolved, That the committee on courts of justice, be instructed to enquire into the expediency of reducing the terms of the circuit courts in the several counties to the number of two in each year instead of three.

On the motion of Mr. Guthrie.

Resolved, That a copy of the Report of the Bank of Louisville be furnished to each branch of the Legislature, by Mr. Page, late clerk in the auditor's office.

Two messages in writing were received from the Governor, by Mr. Sanders, Secretary of State.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. Daviess in the chair. After some time spent in committee the Speaker resumed the chair, when Mr. Daviess reported that the committee had, according to order, had under consideration a bill supplementary to an act, entitled, an act to remove the obstructions to navigation at the falls of Green River, and for other purposes, approved 2d February, 1833, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which leave was granted.

A message was received from the Governor, by Mr. Sanders, Secretary of State, announcing that the Governor did, on this day, approve and sign enrolled bills which originated in the Senate, of the following titles, viz:

An act to authorise the insertion of advertisements in certain newspapers.

An act amendatory to an act concerning the public Library, and to appoint a Librarian.

And an act altering the time of holding the Fayette and Scott circuit courts.

And then the Senate adjourned.

TUESDAY, JANUARY 14, 1834.

The Senate assembled.

A message in writing received from the Governor on yesterday, was taken up and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, William B. Phillips, to be commissioned Mayor of the city of Maysville; he having been chosen by the voters thereof at the election on the 6th instant. JOHN BREATHITT.

Frankfort, January 13, 1834.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. Daviess inform the Governor thereof.

A message in writing from the Governor, received yesterday, was taken up, and read as follows, viz:

GENTLEMEN OF THE SENATE:

I herewith transmit to you, the report of the President and Directors of the Lexington and Ohio Rail Road Company, made to me, of the condition of the work in which they are engaged, the amount expended thereon, the sources from whence the funds were derived, and their reliance for means necessary for the accomplishment of the enterprize, beyond those within their immediate control.

JOHN BREATHITT.

January 13th, 1834.

HIS EXCELLENCY, JOHN BREATHITT, Esq. Governor of the State of Kentucky.

Sir:-The President and Directors of the Lexington and Ohio Rail Road Company respectfully solicit the favor of representing to you, and through you to the Legislative department of the Government, the condition of the work in which they are engaged, the amount expended thereon, the sources from whence the funds were derived, the present state of their finances, and their reliance for means necessary for the accomplishment of the enterprise, beyond those within their immediate control. The magnitude of the undertaking, whether viewed with reference to its cost, or the benefits it will confer by its speedy execution, has not been equalled by any private association in the western states, and humbly hope that without being a charge upon the public Treasury, that it will continue to receive, what it has experienced already, the kind attention of the public spirited and generous representatives of the patriotic citizens of Kentucky.

The condition of the work, at the present moment, is this:

The road way, with the exception of some few points at which the rock excavations are incomplete, is graded for a distance of twenty six miles, or within two and a quarter miles of Frankfort; the grading of the latter part is under contract to be finished in

May next.

The rail sills are laid down, though not in a connected and continuous line, on fifteen miles of road, and will require the laying down of six miles more, to make an effective line of twenty-one miles in length. The materials for which being nearly all prepared for laying down, with four separate and efficient contractors, sixty days of favorable weather will be ample time to complete the road to a point within seven miles of Frankfort; and as our pecuniary resources are amply sufficient for the object, we have a reasonable expectation of connecting the city of Lexington with the Capital of the state, by a well constructed rail way of permanent materials in all the month of August next.

The amount expended up to the 1st of Jan. inst. is \$289,677 The balance of cash on hand, 16,688

\$ 306,365

The resources from whence that amount has been drawn, are as follows:

From stockholders, of which nearly one half has come from the Directors,
From the Bonds guaranteed by the State,
Premium on Bonds, 7 per cent.

\$199,365 100,000 7,000

\$306,365

The company will require, for the completion of their Road to the Ohio River, the sum of four hundred thousand dollars beyond the means within their immediate control.

To raise that sum, we propose negotiating for a convertible loan, and respectfully ask from the legislature permission to borrow, upon the credit of the company, the sum of four hundred thousand dollars, with power to convert the loan, at some future period, into stock in the road; the time for the conversion to be agreed upon between the Directors and the lenders.

Relying with the utmost confidence in the safety of our investment, we are willing to subject all we have paid, with as much more, to the security of the money we may borrow; and respectfully ask of the Government, that they will permit the mortgage that may be executed therefor, to take precedence of that heretofore given to the State, in security for their guarantee of our bonds, requiring from the President and Directors of the Rail Road Company a bond, binding them in their individual capacity, condition-

ed, that they will faithfully apply to the objects of their corpora-

tion, all the money thus borrowed.

Should the constituted authorities be pleased to extend to the company the kind indulgence asked for, in the prosecution of an undertaking, so important and beneficial in its consequences, as is the work in which we are engaged, we humbly conceive that it will be adding to, rather than diminishing, the security they now hold, for the faithful discharge of the debt already contracted or the joint credit of the company and the State, inasmuch as every dollar vested in a road, terminating at the Ohio, would be worth more than if the Road terminated short of it.

We are the more encouraged in our application, by the liberality manifested by the Government towards other works of a public character; in which they have participated in the profits and loss in much greater proportion than we ask. We are willing to subject our capital to the hazzard. If productive, the State are to become interested to the whole amount for which they are committed; if unproductive, the entire individual capital invested, is made

subservient to the security of the State from loss.

It may be proper to remark, that the road, completed from Lexington to Frankfort, was estimated originally, to cost \$355,000. Say, three hundred and fifty-five thousand dollars; and, from the evidence before us, we are warranted in saying, that the actual cost of executing the work, will not vary five thousand dollars, over nor under the original estimate. And inasmuch as the calculations for the entire road to the Ohio, was founded on the same data of calculation, we may reasonably rely upon executing the work at an expense, not exceeding the original estimate; which was one million of dollars. This result, so unusual in public works of great magnitude, may be readily accounted for, by the deep stake those who manage the finances had in their economical application.

Before closing, permit us to express to the guardians of the public welfare our most cordial thanks for the kindness and indulgence they have, at all times, extended towards the important enterprise in which we are so ardently engaged, and to assure them, that no exertions on our part shall be wanting to confer upon the interior, at the earliest period practicable with our limited means, all the benefits that can be conferred by an uninterrupted channel, for their commerce, as cheap, more expeditious, certain, and secure than good river navigation: and will name the year 1837, as the probable time at which we will be able to apply, and make steam power subserve the agricultural and commercial interests of the counties far removed from boat navigation, as fully as it has those interests in counties adjacent to steam boat navigation.

Respectfully submitted, in behalf of the Directors of the Lex-

ington and Ohio Rail Road Company.

January 11, 1834. ELISHA I. WINT ER, President.

Ordered, That the said report be referred to the committee of Finance; and that the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

Mr. Conner from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles,

viz:

An act to direct the sale of a lot of ground and meeting house

in Bath county, called New Salem.

An act to organise a fire company in the town of Frankfort.

And an act for the benefit of Frances Kerchival; and had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives. Whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Conner reported that the committee had

performed that duty.

The Speaker laid before the Senate the following report of the President and Directors of the Bank of Louisville.

(See Appendix—I.)

Ordered, That the said report be referred to the committee of finance; and that the public printer print one hundred and fifty co-

pies of the same, for the use of the general assembly.

Mr. Guthrie presented the remonstrance of two other members of the Louisville bar, and of sundry citizens of the city of Louisville, and the county of Jefferson, against the confirmation of the appointment of John M. Hewitt, as judge of the fifth judicial district, which was received and referred to the committee of courts of justice.

I. Mr. Taylor presented the petition of sundry citizens of Maysville, praying that a law may pass incorporating the Bank of Mays-

ville.

2. Mr. James presented the petition of sundry citizens of Hickman county, praying that David Long be authorised to build a

mill dam across Obin creek.

3. Mr. James also presented the petition of Isaac Buckels, praying that he be authorised to surrender a patent for a quarter section of land west of the Tennessee river, and that a patent be granted to him for another quarter section which was intended to have been embraced in the patent he obtained.

The said petitions were received and referred; the first, to the committee of finance; the second, to the committee of internal improvements; and the third, to the committee of propositions and

grievances.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the

Senate to a bill from that House, entitled, an act to provide for the annual appointment of commissioners to take in lists of taxable property, and for the annual valuation thereof; and that they had passed a bill entitled, an act to change the venue in the case of George Lansdown.

Mr. W. Owsley from the committee of courts of justice, to whom was referred a bill from the House of Representatives entitled, an act for the benefit of Colemansville, reported the same with an

amendment, which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred bills of the following titles, viz:

1. A bill to change the time of holding the court of claims in the

county of Owen, and

2. A bill allowing an additional constable in Adair county; reported the same with amendments to each, which were twice read and concurred in.

Ordered, That the said bills be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being

engrossed,

Resolved, That the said bill do pass, that the title of the first be, an act altering the time of holding courts of claims, and that the title of the second be, an act providing for the appointment of an

additional constable in the county of Adair.

Mr. W. Owsley from the same committee to whom was referred a bill to incorporate the Galt House Company, reported the same without amendment, and the said bill was ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same be-

ing engrossed,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. W. Owsley from the same committee to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of the heirs of James Y. Kelly, deceased.

An act for the benefit of the estates of Robert Scott and John E.

Shropshire, deceased. And

An act for the benefit of the widow and heirs of James Mallory, deceased, reported the same with the following resolution thereon,

Resolved, That the said bills ought not to pass.

Which was twice read and concurred in; and so the said bills

were disagreed to.

Mr. W. Owsley from the same committee to whom was referred a bill from the House of Representatives, entitled, an act allowing William McHargue, of Laurel county, to erect a gate across the road leading from the Salt works to Whitley county, and for other purposes, reported the same without amendment.

The said bill was amended and ordered to be read a third time. The rule of the Senate, constitutional provision, and third read-

ing of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. Wingate from the committee of Religion, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of John Jones.

An act for the benefit of Mary Peters. And

An act to divorce Patrick W. Carson, reported the same with the following resolution theron, viz:

Resolved, That the said bills ought not to pass. Which was twice read and concurred in; and so the said bills were disagreed to.

Mr. Wingate from the same committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Amelia S. Barnes, reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass. The said bill and resolution were laid on the table.

Mr. Wingate from the same committee to whom was referred the petition of Reuben Kemp, praying a divorce from his wife, Elizabeth, reported the following resolution thereon, viz:

Resolved, That the petition be rejected; which was twice read

and concurred in.

Mr. Taylor from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Alfred Bowren, reported the same without amendment.

And the question being taken on reading the said bill a third

time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Daviess and

Willis, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Gilbert, Griffith, Heady, James, McDonald, Nuttall, W. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Thornton, Wingate, Young—28.

NAYS-Messrs. Daviess, Fleming, Grider, Guthrie, McHenry

Murrell, H. Owsley, Taylor, Willis-9.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. W. Owsley from the committee of courts of justice—
1. A bill repealing the 4th section of an act, entitled, an act to change the time of holding certain courts in the 7th Judicial District, approved 25th January, 1827.

By Mr. Taylor from the committee of finance—2. A bill for the benefit of Samuel Woodson, Clerk of the Hopkins county court.

And by Mr. Griffith—3. A bill to amend an act to incorporate the Louisville and Bonharbour Coal Company.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, the third was referred to the committee of courts of justice, the first and second ordered to be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the first and second bills having been dispensed with, and the

same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Mr. Dougherty from the committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Robert Sanders, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. Thornton from the committee to whom was referred the nomination of Benjamin Selby, made the following report thereon, viz:

Resolved, That the Senate do not advise and consent to the appointment of Benjamin Selby as auditor of public accounts.

Mr. Daviess moved to amend the said resolution by striking out the word "not," and the question being taken thereon, it was decided in the affirmative, and so the Senate did advise and consent to the said appointment.

Ordered, That Mr. Daviess inform the Governor thereof.

The yeas and nays being required on the motion of Mr. Daviess to amend the said resolution, by Messrs. Willis and Daviess, were as follows, viz:

YEAS—Messis. Beaseman, Bramlette, Coffey, Daviess, Dejarnatt, Dougherty Gilbert, Guthrie, Heady, James, McHenry, Nuttall, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young—19.

NAYS—Messrs. Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Fleming, Gholson, Grider, Griffith, McDonald, Murrell,

H. Owsley, W. Owsley, Southgate, Taylor, Thornton-18.

A bill to establish a judicial district was read the second time, and the question being taken on engrossing the said bill, and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and

Boyd, were as follows, viz:

YEAS—Messrs. Bibb, Bramlette, Brown, Chinn, Coffey, Daviess, Gholson, Grider, Griffith, Guthrie, James, McHenry, Nuttall, W. Owsley, Parks, Roberts, Sisk, Southgate, Willis—19.

NAYS—Messrs. Beaseman, Boyd, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Fleming, Gilbert, Heady, McDonald, Murrell, H. Owsley, Prince, Taylor, Thornton, Wingate, Young—18.

A bill to take the sense of the good people of this Commonwealth as to the expediency and propriety of calling a convention,

was taken up and read the second time as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs and Judges, at the several places appointed by law to hold the annual elections in the year 1834, to open columns in their several poll books for the qualified voters to vote for a convention; and it shall be the duty of the several sheriffs aforesaid, to make a true and faithful return to the Secretary of State, within thirty days after the close of the polls, of all the votes which may have been given within their respective counties for a convention, to be by the said Secretary laid before the general assembly at their next annual session, within the first week thereof.

Sec. 2. Be it further enacted, That any sheriff failing to transmit by mail, his official statement of the votes given as above provided, shall be subject to a fine of six hundred dollars, to be recovered by action of debt, by any person suing for the same, in any court having competent jurisdiction thereof, and shall also be subject, upon

conviction of such failure, to removal from office.

Sec. 3. Be it further enacted, That it shall be the duty of the several Sheriffs of this commonwealth, to read or cause to be read, this act, at their several places of voting in their respective counties, at the opening of the polls on each day of the next annual election; and in case of failure so to do, the said officer shall be subject to the same penalties which are above prescribed for his failure to transmit his official statements.

SEC. 4. Be it further enacted, That the public printer shall, upon a separate leaf or sheet, print twelve hundred copies of this act, and furnish them to the Secretary of State, who shall send to each

county in the state, at the time of forwarding the acts of assembly, &c. to the Clerk's office of the county court of each county, ten of these copies; and the Secretary shall take a receipt of the carriers thereof, who shall take the receipt of the respective clerks to whom he may deliver them, and the respective clerks of county courts shall deliver the same to the high sheriff of his county, and take his receipt for the same, a copy of which shall be by such sheriff, delivered to each of his deputies, to be by them read at their several precincts, as required by this act.

And the question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the

said bill was rejected.

The yeas and nays being required thereon by Messrs. Willis and

Boyd, were as follows, viz:

YEAS-Messrs. Beaseman, Bramlette, Coffey, Conner, Daviess, Dougherty, Grider, James, McHenry, Nuttall, Parks, Prince, Ro-

berts, Sisk, Southgate, Willis, Young-17. NAYS-Messrs. Boyd, Brown, Chinn, Clark, Cunningham, Dejarnatt, Fleming, Gholson, Gilbert, Griffith, Guthrie, Heady, Mc-Donald, Murrell, H. Owsley, W. Owsley, Taylor, Thornton, Win-

gate-19.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Commonwealth, Mr. Daviess in the chair. After some time spent in committee, the Speaker resumed the chair, when Mr. Daviess reported that the committee had, according to order, had under consideration a bill supplementary to an act, entitled, an act to remove the obstructions to navigation at the falls of Green River, and for other purposes, approved 2d February, 1833, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table.

And then the Senate adjourned.

WEDNESDAY, JANUARY 15, 1834.

A resolution from the House of Representatives for appointing a joint committee to examine the Register's office, was twice read and concurred in; and Messrs. Daviess, Thornton and Southgate, were appointed a committee on the part of the Senate.

Mr. Daviess from the committee of propositions and grievances,

made the following report, viz:

The committee of propositsons and grievances, to whom was referred the petitions of sundry citizens of Adair and Casey counties, praying that a law may pass to compel Wm. and Edward Trabue to reduce their mill dam to five feet in height, (which said mill dam is in the county of Adair across Green river,) that being the height they were permitted to build said dam by an act of the general assembly of 1828; and also praying that they be compelled to make a slope to said dam forty feet wide, with an apron of twenty or twenty-five feet wide; and on the failure to do so, that said dam be abated—have had the same under consideration and come to the following decision, viz:

Resolved, That the said petition ought to be rejected.

Which was twice read and concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Heady-1. A bill to establish a road from Harrodsburg

to Taylorsville.

By Mr. Taylor—2. A bill to amend the several acts to suppress the practice of duelling.

By Mr. Daviess—3. A bill to amend the law in relation to pro-

ceedings in civil actions.

Mr. McHenry having obtained leave, reported-4. A bill to im-

prove the navigation of Cumberland river.

And Mr. W. Owsley having obtained leave, reported—5. A bill to encourage the publication of a new digest of the Statute Law of Kentucky.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, third, fourth and fifth bills having been dispensed with, they were referred; the first and fourth, to the committee of internal improvements, and the third and fifth, to the committee of courts of justice.

On the motion of Mr. Chinn, who voted in the majority, the vote was reconsidered disagreeing to the bill from the House of Representatives, entitled, an act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased; the said bill was

recommitted to the committee of courts of justice.

On the motion of Mr. Young,

Resolved, That the committee on internal improvements inquire into the expediency of making an appropriation to the improvement of the state road from Owingsville, by way of Rice's, to the mouth of Big Sandy river, and for placing more gates on said road.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Prince—I. A bill to incorporate a dock company at Smithland.

On the motion of Mr. Bibb-2. A bill to alter the time of hold-

ing the Logan county court.

On the motion of Mr. Coffey—3. A bill to amend the law authorising William and Edward Trabue to build a mill dam across Green river, in Adair county.

K

And on the motion of Mr. Gilbert-4. A bill for the improvement of the South Fork of the Kentucky river and two of its branch-

es, Goose creek and Redbird.

Messrs. Prince, James and Griffith were appointed a committee to prepare and bring in the first; Messrs. Bibb, Grider and James, the second; Messrs. Coffey, Willis and Bramlette, the third; and the committee of internal improvements was directed to prepare and bring in the fourth.

On the motion of Mr. Willis, who voted in the majority, the vote was reconsidered rejecting the petition of Sarah Blackford, and the said petition was recommitted to the committee of courts of

justice.

The bill supplementary to an act, entitled, an act to remove the obstructions to navigation at the falls of Green river, and for other purposes, approved February 2, 1833, and the amendments proposed by the committee of the whole, were taken up,

The first section of said bill is as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, in addition to the sum heretofore appropriated by the act to remove the obstructions to navigation at the Falls of Green River, and for other purposes, approved on the 2nd February, 1833, there shall be, and is hereby appropriated, the sum of twenty-five thousand dollars, to remove the obstructions to the free navigation of Green River, at the principal falls thereof; and that the commissioners, who were appointed by the before recited act, and were qualified according to the provisions thereof to superintend and conduct the work necessary to be done in the removal of said obstructions, shall proceed, with reasonable despatch, to cause the necessary dams and locks to be constructed at the falls of said river, of sufficient dimensions to facilitate the passage of boats and other craft over said falls at low stage of water, up and down said river: Provided, that the said commissioners shall, if they deem it most advisable, confine the appropriations made by this and the before recited act, to the construction of dams and locks for slack waternavigation at Vienna and Spot's Falls, until the obstructions to navigation at those falls shall be removed; and the remainder of the money, if any, to be applied to the removal of other obstructions and impediments to the navigation of said river.

The first amendment reported from the committee of the whole, proposes to strike out "twenty-five" in the said section, printed in italics, and to insert in lieu thereof "fifty," and the question being taken on concurring in said amendment, it was decided in the af-

The yeas and nays being required thereon by Messrs. Willis and

Dougherty, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Chinn, Clark, Cunningham, Daviess, Gholson, Grider, Griffith, Guthrie, Heady, McDonald, Murrell, H. Owsley, W. Owsley, Roberts, Sisk, Southgate, Taylor,

Thornton—20.

NAYS—Messrs. Beaseman, Bramlette, Coffey, Conner, Dejarnatt, Dougherty, Fleming, Gilbert, McHenry, Nuttall, Parks, Prince, Willis, Wingate, Young—15.

The residue of the amendments reported from the committee,

were then concurred in.

Mr. Willis moved to amend the said bill by adding to the second section the following proviso, viz:

Provided further, That not more than one half of the sum hereby appropriated, shall be drawn from the Treasury during the present year, and the other half not sooner than eighteen months from the passage of the act.

The question being taken on adopting the said amendment, it was

decided in the negative.

The yeas and nays being required thereon, by Messrs. Willis and Dougherty, were as follows, viz:

YEAS-Messrs. Bramlette, Coffey, Dejarnatt, Dougherty, Gil-

bert, James, Nuttall, Parks, Prince, Willis, Young-11.

NAYS—Messrs. Beaseman, Bibb, Chinn, Clark, Conner, Cunningham, Daviess, Fleming, Gholson, Grider, Griffith, Guthrie, Heady, McDonald, McHenry, Murrell, H. Owsley, W. Owsley, Roberts, Sisk, Southgate, Taylor, Thornton, Wingate—24.

The said bill was further amended, and ordered to be engrossed.

and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

The yeas and nays being required on the passage of the said bill, by Messrs. Willis and Dejarnatt, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Chinn, Clark, Cunningham, Daviess, Gholson, Grider, Griffith, Guthrie, Heady, McDonald, Murrell, H. Owsley, W. Owsley, Roberts, Sisk, Southgate, Taylor, Thornton—20.

NAYS—Messrs. Beaseman, Bramlette, Coffey, Dejarnatt, Dougherty, Fleming, Gilbert, James, McHenry, Nuttall, Parks, Prince, Willis, Wingate, Young—15.

An engrossed bill entitled, an act authorising the erection of a bridge across Main Licking, in Harrison county, was recommitted to the committee of internal improvements.

A bill from the House of Representatives entitled, an act to change the place of voting in the precincts in Hancock county, including the town of Bloomfield, was read the third time.

Resolved, That the said bill do pass, and that the title be amend-

ed to read, an act to change the place of voting in election precincts in the counties of Hancock and Nelson.

An engrossed bill entitled, an act granting certain powers to the Lincoln, Casey and Adair county courts, was read the third time. Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

An engrossed bill entitled, an act to amend the law concerning executions, was recommitted to the committee of courts of justice.

An engrossed bill entitled, an act to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's improved Map of Kentucky, and for other purposes, was read the third time, and the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murrell

and McDonald, were as follows, viz:

YEAS—Messis. Bibb, Bramlette, Brown, Clark, Coffey, Daviess, Dougherty, Fleming, Gholson, Gilbert, Grider, Guthrie, James, McDonald, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Southgate, Taylor, Thornton, Wingate, Young-25.

NAYS-Messrs. Beaseman, Conner, Cunningham, Dejarnatt,

Griffith, Heady, McHenry, Murrell, Sisk, Willis-10. Resolved, That the title of the said bill be as aforsaid.

An engrossed bill entitled, an act to provide for reviewing, opening and establishing a road from Frankfort to Williamstown, in Grant county, was read the third time.

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Bills from the House of Representatives of the following titles,

1. An act to change the venue in the case of George Lansdown.

2. An act to establish the county of Marion.

3. An act to authorise the taking of depositions in a summary way, to perpetuate testimony.

4. An act to prevent the sale of growing crops.

5. An act to improve and open the road from the Rocky Spring in Harrison county, by the way of Colmansville, to Williamstown in Grant county.

6. An act to establish the town of the Stamping Ground, in

Scott county.

7. An act to authorise the clerk of the Wayne county court to transcribe certain records in his office,

Were severally read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred; the first to a select committee of Messrs. Conner, Fleming, W. Owsley and Young; the second and sixth, to the committee of propositions and grievances; the third to a committee of Messrs. Conner, Daviess, Thornton, Chinn and Willis; the fourth, to a committee of Messrs. Thornton, Willis, Daviess, Guthrie, Chinn and Roberts; and the fifth and seventh, to the committee of finance.

Bills from the House of Representatives, of the following titles, viz:

1. An act to repeal an act, approved January 14, 1833, entitled, an act to authorise the Trustees of the New Port Seminary to sell their donation lands, and for other purposes.

2. An act to legalize the proceedings of the Caldwell county

court.

3. An act to empower the trustees of the town of Lebanon to open alleys in said town.

4. An act to establish the town of Feliciana in Graves county.

5. An act for the benefit of William Garnett.

6. An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek in Perry county.

7. An act to establish an election precinct in Graves county.

8. An act for the benefit of Samuel Payne, and the heirs and re-

presentatives of John Pattie, deceased.

9. An act to authorise the receiver of public moneys for the land district west of the Tennessee river, to grant certificates to certain persons therein named; and

10. An act to change the place of voting at a precinct in Grant

county, and for other purposes.

Were severally read the second time.

The first was referred to a committee of Messrs. Southgate, Parks and Thornton; the fourth and eighth, to the committee of courts of justice; the fifth, to the committee of propositions and grievances; and the ninth, to the committee of finance.

The second, third, sixth, seventh and tenth, were ordered to be

read a third time.

The rule of the Senate, constitutional provision, and third reading of the second, third and tenth, having been dispensed with,

Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Mr. McDonald presented the petition of sundry citizens of Washington county, praying that a part of said county be added to the county of Nelson.

Mr. McDonald also presented a copy of the agreement between the candidates for the legislature in Washington county in 1829, in relation to the division of said county, and a statement of the vote given in that year.

The said petition, agreement and statement, were referred to the

committee of propositions and grievances.

Mr. McHenry presented the reports of the commissioners ap-

pointed to improve the navigation of Cumberland river, which are as follow, viz:

The undersigned commissioners appointed by the Legislature of Kentucky, at their last session, to view and mark out channels through the shoals in the Big South Fork of Cumberland river, below Maj. Dick, and M. Huling's Coal Banks, beg leave to Report,

That they proceeded to discharge the duties assigned them in the month of July last. On ascending the river, the first obstruction was found to be at a place known as Sloan's Shoals .-At this place the river expands to double its width above, and falls about seven feet in half a mile. At one place there is a break or abrupt fall of three and a half feet, falling over broken ledges of lime-stone rock. At this place we had a channel cleared on the north bank, one hundred and twenty feet wide, graduating the fall by removing the ledges of rock which made the fall, and built a wall four feet high and eighteen feet wide. This dam is about two-fifths finished, and is to be continued in an oblique direction across the river, which will throw all the stream in the channel until it passes the fall. The whole appropriation, made at the last ses sion of the Legislature, was expended on this dam and shoal, (as it was considered the greatest obstruction,) except about 150 or \$200, which will not be expended this winter.

The work has been done in a very strong manner, so that there is very little danger of its being injured by the river rising. The completion of this dam will enable boats to pass down by these shoals with any tide at which the other shoals could be passed.

From the head of the Sloan's Shoals the river is very good until we arrived at the mouth of Big Sinking creek. At this place the river falls about four feet in one hundred yards. Above and opposite the mouth of the creek, on the north side, two small bars put in about one third across the river, confining the current down the south side to the head of a large bar; below the mouth of the creek this bar throws the water across to the north bank, unless the river

is very high.

The upper end of this bar is very low, not more than two feet high at low water, and the lower end is about four feet high. The plan by which we proposed to improve this shoal, was to place a frame of timber across the present channel, from the upper end of the large bar, below the mouth of the creek, to the lower side of the small bar on the north side, which will be about forty yards in length, and clear a channel through the bar eighty feet in width, and fill up the frame of timber with the rock taken from the channel in the bar, (which is composed of lime-stone rock and sand, which will be easily removed,) and when once opened through, the current of the river will keep it open, as the channel will be perfectly straight.

The expense of making this improvement will not be very great.

\$500, it is thought, would complete it.

From this place there is very little obstruction in the river, (except some large rock, stand in deep water, which the current washes close by in high water, all of which is marked and should be blown off to low water mark; and a bar at the mouth of Cooper's Delight, which should be cleared of all the timber on it,) until we arrived at the mouth of the Little South Fork. At this place is the first stone coal mines, and this is the highest point from which boats have descended.

From here there is nothing but rocks, near the bank at the place where the current washes, which will have to be blown off, and which are marked for about eight miles, to the mouth of big Creek, (or as it is better known by the name of the Gulph.) Here the river becomes very much compressed by masses of large sand stone, that nearly fill up the channel, which is at one place only six and a half feet wide at low water, but of great depth. The plan by which we proposed to improve this place, was, to blow the rock down to low water mark; as the water is very deep, to just blow them down, they would be out of the way. The channel we marked through here, is 150 feet in width; at the lower end of the gulf a sharp clift puts in on the north side, a considerable distance into the river, which also bends considerably to the south. This point divides the current and turns nearly half the river back, forming a large whirl, or gulf, which gives name to the place. Here it was thought necessary to remove a high bar on the south side, (so as to enable boats to hug the point,) and blow off some of the rock on the north side, which will enable boats to pass this place in safety.

The improvement at this place will be the most expensive of any other on the river, it would probably take \$5000 to complete the

necessary improvement.

At this place stone coal appears in large quantities, and is near the river. The coal appears to preserve a horizontal level, still rising above the river's descent; and twenty or thirty miles above

this place it is on a level with the river.

Coal abounds on this stream for thirty miles above this place, in large and inexhaustible quantities, and of a superior quality. This being the highest point contemplated improving the river, was the highest place examined by us; but from our own knowledge very little will make it navigable to the highest point at which coal has been found, as there is but one place, (known as the Jumps,) which is large sand stone standing in the river, which will be easily removed.

Improving the gulf would lay open some of the finest stone coal to market; besides, the finest forests of pine and other timber in the world border this stream, with seats for the eretion of mills to convert it into lumber for market. There is also a prospect of salt being made of the finest quality in the western country; besides, copperas, (the ore of which is found imbeded in the stone coal,) allum ore and sulphur, also abound, all of which would be profitable works, if the government would only appropriate the necessary

funds for completing the improvement of this stream.

There are at this time near eighty thousand bushels of stone coal, raised at the mines at the mouth of the Little South Fork, all of which would have reached a market last winter and spring, but for the obstructions at the mouth of Sinking and the Sloan's Shoals. It will probably reach a market this winter. Navigation can never be safe until these two places are improved, and then only one coal mine could be reached. But clear away the gulf and a vast coal region will be made accessible to boating.

All of which is respectfully submitted. MICHAEL CASTILLO, Comm'rs. JAMES MOODY.

The undersigned commissioners, appointed by the Legislature of Kentucky at their last session, to view and mark out a channel through the Smith shoal in Cumberland River, beg leave to report, that they proceeded to perform the duties assigned to them, in the

month of August last. On examining the river at these shoals, they found the river, immediately below the head of the shoals, expand to near three times its width above them, with a gradual fall (except at three places) of about three feet in a mile, flowing over a bed of limestone of a very hard texture, disposed in horizontal ledges of from six to fifteen inches in thickness. They found the shoals, on surveying them, to be three miles and nearly three furlongs in length, with a fall of near fifteen feet. At the lower end of the shoals two or three of these ledges came down to the same point, forming an abrupt fall of three and a half feet entirely across the river. At this place the improvement was commenced by graduating the fall, by removing these ledges, which was done by sledging and blasting them from a channel fifty-five yards in width on the northside, and building a dam with the rock, raised four feet high and fifteen feet wide, crossing the river in an oblique direction; which will be better understood by reference to a map of the river that accompa-This dam is completed to within forty yards of nies this report. The rock is large, and laid up in a shingling manthe south bank. ner, and is thought, will stand the highest freshet. It would probably be best to complete it to the bank, and throw the whole river into the channel. From the head of this dam, the river has a depth of at least three feet on the north side at low water, to the lower end of the second improvement. Here the river has a fall of about two feet. At this place we cleared a channel on the south

side, of the same width of the one below, and built a dam, which is near one third finished, of the same kind built below. Very nearly all the boats lost on the shoals, received the first injury at this place. The bend of the river and the fall, together with a small bar at the lower end of this dam, rendered it a very difficult place to pass. The river, in running over these shoals, acquires a rough undulating motion, which is communicated to boats, and at every motion sinks them much below their draft; and unless at very high stages of the river, would strike the bottom (which is generally very rough,) and bilge. From this place we directed the loose rock and protuberances to be cleared, on the south side. (which is the side boats have to descend,) to the head of the shoals. The appropriation made at the session of the last legislature, was laid out, with the exception of \$300 and upwards, including tools, (which will not be expended this winter,) in the above described work. If the dam at the bend of the river was finished, and three dams built at the points marked on the map, the descending navigation of the shoal would be very safe; at least, it could be passed in safety when the other shoals above would be safely passed. The three wing dams laid down on the map, would not be as expensive to make as the ones already begun; as they would not have to be as high, nor so long. At the upper dam laid down, there is the greatest fall in 20 poles, that is in any other part of the shoal-being three and a half feet in that distance—though there is a greater depth of water, as the river is not near so wide. Here, also, the river first gets its rough undulating motion, which it retains throughout the shoal.

The completing the improvement of these shoals will enable boats to pass down in safety from the coal mines above, with the common tides; which would be of great advantage to people of this country, as it would be the means of bringing from \$30,000 to \$40,000 annually to this country for coal alone, as the coal on this stream, above these shoals, is inexhaustible, and of a very superior quality, and finds a steady market at Nashville, Tenn., and below

on the river, and the demand increasing.

There are also other considerations for improving this stream. Iron ore of a superior quality is said to abound, and water power for the erection of forges, furnaces, mills, &c., to work the ore into iron of every description, as well as to convert the vast forests that border this stream, into lumber; all of which would be immediately done if the government will only appropriate the necessary funds for the completion of the improvement.

The work already done, is done in a manner that it cannot be lost, as the most laborious part was the raising the rock which cannot be washed off, and can be continued from time to time, as the government appropriates the means of continuing the work.

It will probably take from \$10,000 to \$12,000 to complete the

necessary improvement, which could continue from year to year, without any danger of losing any that was done. An effort will be made at the present session of Congress to get a western armory located at the falls of Cumberland, which furnishes the finest water power in the world, as well as every other requisite, such as iron ore, stone coal, &c.; which if done, the General Government will appropriate funds, in aid of any the Legislature may think proper to appropriate. All of which is respectfully submitted.

MICHAEL CASTILLO. CYRINIUS WAIT.

December, 1833.

TO THE HONORABLE THE LEGISLATURE

Of the Commonwealth of Kentucky.

The undersigned, appointed by the county court of Pulaski county, to superintend and manage the opening and improving the navigation of Cumberland river at Smith's shoals, under, and in pursuance of, an act of Assembly for that purpose, approved February 2d, 1833, would respectfully report:

That they have expended in the purchase of proper tools and utensils, the hire of hands and laborers, the purchase of provisions and other necessary and incidental expenses, of the amount appropriated by said recited act, about the sum of two thousand seven hundred dollars, leaving a balance of said appropriation of about

three hundred dollars yet to be expended.

They would further respectfully report that they do believe they have greatly benefitted and improved the navigation of Cumberland river at Smith's shoals. They believe that boats and other craft can now descend said river with much greater facility than was practicable before the labor was done, and improvement made on said river, at said place. That they do believe that boats loaded can now descend said river, over said shoals, with from twenty to twenty-five inches less water than before the working and opening the shoals. That large rocks have been removed out of the said shoals, which has rendered the navigation of said shoals much safer, and greatly less hazardous. Which is respectfully reported.

SAMUEL NEWELL, Jr. Commis CHRISTOPHER GOGGIN WILLIAM CHADWOIN. December 26, 1833.

Ordered, That the said reports be referred to the committee of internal improvements.

And then the Senate adjourned.

THURSDAY, JANUARY 16, 1834.

The Senate assembled.

The Speaker laid before the Senate the following report, viz:

Danville, January 13, 1834.

To THE HONORABLE,

THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

The Trustees of the Asylum for the Tuition of the Deaf and Dumb,

respectfully report,

That the institution is in successful operation; being furnished with well qualified teachers, and a superintendent and matron, in whom we have confidence; and the pupils enjoy good health, and are making satisfactory progress in their studies.

During the last summer, whilst the Cholera prevailed in our town, and in this region of country, this institution was for a time suspended. Among its first victims were the Rev. John R. Kerr and lady, superintendent and matron to the Asylum, much respected, and lamented as a loss to the institution, and to society. The whole of Mr. Kerr's white family were about the same time prostrate by sickness; and the disease continuing, and spreading through the town and neighborhood, the trustees felt it a duty to send many of the pupils to their respective homes, and those who could not be sent home were removed to the country, and to places where they could be temporarily accommodated. We have heard of only one who died; but some have not returned. The board of trustees lost no time in reorganizing the institution, and appointed Doctor Luke Munsell and lady, to supply the places of Mr. Kerr and lady; and in September last it was again in complete operation.

The state of the finances of this institution you will find annexed, [marked A.] The amount of debt due us bearing interest is a little increased; but our receipts from Col. Allen, our agent in Florida, have fallen short of our expectations. We have howeverbefore us, an abstract of the sales made by him, viz: eight thousand three hundred and twenty acres, at an average of four dollars and twenty-nine and one half cents per acre, making the gross sum of thirty-five thousand seven hundred and thirty-seven dollars and sixty cents. Most of these sales were on a credit of one, two, three and four years; the amounts of course are mostly outstanding, but believed by Col. Allen to be well secured. We have the promise of remittances in this and the ensuing month.

By a reference to the annexed list of pupils, [marked B.] it will be seen that the number has decreased since our last report. Some have gone home because the time of their continuance, allowed by law, had expired; and some, as before mentioned, have not returned, probably, because of the panic which the Cholera produced through the country, and the apprehension felt by many, that that, or some other epidemic may be expected the ensuing spring or summer.

We are confident there has been no period since this institution went into operation, that it was in better condition as to government, good order, and instruction, than at present. A work shop has been prepared by Dr. Munsell, in which it is intended to give the pupils some knowledge in mechanism.

We now and then see letters from pupils, who have left the Asylum, and it gives us pleasure to see that they have not forgotten

what they learned, and that they are doing well.

The utility of sending the pupils to the seat of government, for the satisfaction of the Legislature, as to the benefits of the institution, may, perhaps, in some measure, be rendered unnecessary, as there is a former pupil of the Asylum living in Frankfort, in a printing office; but if it should be the pleasure of the legislature that we send down pupils to be examined before them—or to send a committee to make a thorough examination into the condition of this institution, the trustees will feel gratified, and will promptly meet your wishes.

Respectfully submitted, by order of the Trustees.

J. BARBOUR, JAMES HARLAN,

Committee.

(A.)

Statement exhibiting the situation of the funds of the Institution on the 3d November, 1833.

DR.	1.		balance on hand 3rd November 1837, as per report,	\$5,852	76
	2.	46	amount received from the treasury for the		
			support of indigent pupils for the year ending 3rd November, 1833,	3,087	80
75381	3.	66	Cash received from agent in Florida, for sale of lands,	1,000	00
	4.	66	Cash received for tuition fees,	126	
			Amount dehits.	\$10.066	56

AN. IC	-	
CR. 6.	Ву	cash paid J. R. Kerr, for boarding indigent pupils from the 3rd November 1832, until his death 3rd July, 1833, - \$1,092 45
7.	"	until his death 3rd July, 1833, - \$1,092 45 Cash paid Montgomery for boarding indigent pupils from the 3rd to the 22nd July,
		during the prevalence of the cholera, - 9 14
8.	66	Cash paid W. D. Kerr, for same, from 22d July to 28th August, 1833, - 62 00
9.	66	Cash paid Luke Munsell for same, from the
		28th August until 3d Nov. 1833, - 232 22
10.	66	J. R. Kerr's salary, as assistant Teacher,
		from 3d Nov. 1832, until his death, 3d Ju-
		ly, 1833, at \$400 per annum, - 266 67
11.	66	Cash paid W. D. Kerr, assistant Teacher,
		from 3d November 1832, until 1st Septem-
		ber 1833, at \$250 per annum, 207 08
12.	66	Salary of J. A. Jacobs, principal Teacher,
		for one year, ending 1st November 1833, 750 00
13.	66	Fuel for school room, 15 00
14.	C4	Books and stationary, 19 49
15.	66	
16.	66	
17.	66	Sundry repairs to buildings & cost of materials, 255 12
18.	66	Cash advanced to superintendant to buy
		furniture—money to be again returned by him, 200 00
19.	"	Cash paid fee bill, 50
		Amount debits, \$3,167 70
		Balance on hand, 6,898 85
		\$10,066 56

Note—In the foregoing statement, items No. 3, 4, 7, 11, 12, 13, 14, 15, 16, 17, 18 and 19 are specie—No. 2, 6, 8, 9 and 10 are Commonwealth paper, and No. 1 a part of each. (See report of 1832.)

Of the above balance about \$5375 is upon loan in specie, bearing an interest of six per cent.

JAMES HARLAN, Sec.

OFFICERS OF THE ASYLUM.

Dr. Luke Munsell and Lady, Superintendent and Matron; John A. Jacobs, Principal Teacher; William D. Kerr, Assistant Teacher; Dr. Luke Munsell, Physician; James C. Barnes, Chairman of the Board of Trustees; James Barbour, Treasurer; James Harlan, Secretary.

(B.)
Pupils in the Asylum on the 3d November, 1833.

No.	Names.	AGE	WHERE FROM.	REMARKS.
1	John S. Langdon,	15	Pulaski county,	Indigent.
2	Henry Grissom,	15	Adair "	
3	Edward Busby,	15	66	66
4	Laura Flournoy,	16	Caldwell "	66
5	Adeline Flournoy,	14	"	66
6	Jesse Forsythe,	24	Pendleton "	66
7	William Hoagland,	26	Washington "	66
8	Curtis Gatewood,	17	Nelson "	66
9	William Gatewood,	15	" "	66
10	Sally Gatewood,	14	"	66
11	Walter W. Wood,	15	Natchez, Mississippi.	Pays ch's
12	Zulema Kinchelo,	18	Nelson county,	Indigent.
13	Jesse Vanwinkle,	13	Wayne "	
14	Jacob N. Johnson,	12	Bourbon "	66
15	John C. Wood,	16	Franklin, Tennessee.	Pays ch's
16	Charles A. Welden,	12	Bracken county,	Indigent.
17	Elenor Mills,	12	Jefferson "	1110150111
18	Osco D. Grissom,	12	Adair "	66
	Lewis Hudson,	12	Tuscumbia, Alabama.	Pays ch'
19		12	Jessamine county,	ays chi
20	— Todhunter,	THY		66
21	Waller Rodes,	111	Scott "	

I. Mr. James presented the petition of sundry citizens of Hickman county, praying the establishment of the town of Mills' Point, in said county.

2. Mr. McDonald presented the remonstrance of sundry citizens of Washington county, against the division of said county.

3. Mr. Guthrie presented the petition of George James Trotter, representing that the stands charged in the Jefferson circuit court for shooting at George D. Prentice, with intent to kill, and that owing to the excitement and prejudice against him in said circuit, he believes he cannot have a fair trial, and praying for a change of venue.

4. Mr. McHenry pesented the petition of sundry citizens, praying a further appropriation of money to improve the navigation of

the Big South Fork of Cumberland river.

5. Mr. James presented the remonstrance of sundry citizens against the passage of a law to authorise a mill dam to be built

across Obin creek in Hickman county.

The said petitions and remonstrances were received and referred: the first and second, to the committee of propositions and grievances; the third, to the committee of courts of justice; and the fourth and fifth, to the committee of internal improvements.

Mr. McHenry presented the following report, viz:

We the undersigned, being appointed by the Wayne countycourt, pursuant to an act of the last legislature, appropriating one thousand dollars to improve the navigation of the big south fork of Cumberland river, below the coal mines, as superintendents to carry on said work, which act requires us to make a report to the next legislature a true account of our proceedings, we proceed to

do so, as follows:

We have proceeded to remove the greatest obstruction in the Sloan's shoals by opening a channel one hundred and twenty feet wide through the rocks, smoothing the bottom of said channel, and lowering it about four feet from the highest points and bars. have erected a dam about one hundred yards in length, twentyone feet wide at the bottom, and gradually tapering to the top; seven feet and a half high at the lower end, and four at the upper This difference in the height of the dam from one end to the other, is owing to a fall of about four or five feet in the shoals. We also built a wall on the opposite side of the channel, from the dam at the lower end, about thirty yards in length, twenty feet wide, and six feethigh, so as to confine the water between the dam and wall, and thereby raise the height of the water, so that vessels can pass these falls in safety. We have expended eight hundred and fifty dollars in doing this work, and believe the navigation to be greatly improved, and the money usefully applied. The dam was intended to throw into the channel the main body of the river, which it would do if it could be extended a proper distance, but had to be left in this situation for want of money. We believe that one thousand dollars more could be usefully laid out at this place. We regret that a work of such great utility should be left in this situation for want of money to complete it. We feel anxious that the friends of internal improvements will endeavor to procure aid from some source or other to carry on and complete this work. dam and wall are built of rock entirely, and we believe will stand as long as time lasts, if finished, but are apprehensive that in the present situation of the dam, there might be some danger; as the current is very rapid, it may break away in part. Given under our hands, this 23d day of Decemeer, 1833.

ROBERT HUTCHEN. JAMES SLOAN. JAMES JONES.

Superintendents.

Ordered, That the said report be referred to the committee of internal improvements.

Mr. Daviess from the committee of propositions and grievances, to whom was referred bills from the House of Representatives of the following titles, viz:

An act to establish the town of the Stamping Ground, in Scott county. And

An act for the benefit of William Garrett, reported the same

without amendment.

Ordered, That the said bills be read a third time.

Mr. Daviess from the same committee made the following re-

port, viz:

The committee of propositions and grievances, according to order, have had under consideration the petition of Isaac Buckles, to them referred, in which the petitioner state, that he bought an improvement in the county of McCracken, township six, range 2 west, section 26; that he obtained a grant through msitake for the North West Quarter Section, and praying that a law may pass to correct the aforesaid mistake and vest in him the title to the South East Quarter section, have came to the following decision thereon, viz:

1. Resolved, That said petition ought to be rejected.

They have also had under consideration the petition of sundry citizens of Cumberland county, to them referred, praying that a law may pass changing the place of voting at one of the precincts of said county, and have come to the following decision thereon, viz:

2. Resolved, That said petition is reasonable.

They have also had under consideration the petition of sundry citizens of the town of Columbus, to them referred, praying that a law may pass authorising a sale of the market square in said town, have come to the following decision thereon, viz:

3. Resolved, That the committee be discharged from the further

consideration of said petition.

They have also had under consideration the petition of sundry citizens of the town of Eddyville, to them referred, praying that a law may pass authorising the trustees of said town to lay a higher tax upon the citizens thereof, and for other and further relief, as in said petition set forth, have come to the following decision thereon, viz:

4. Resolved, That the petition aforesaid is reasonable.

Which was twice read and concurred in.

The said petition of the citizens of the town of Columbus was

committed to the committee of courts of justice.

Ordered, That the committee of propositions and grievances prepare and bring in bills pursuant to the second and fourth resolutions.

A message was received from the House of Representatives, announcing the passage of a bill, entitled, an act to allow one additional justice of the peace to Bullitt county: and that they had received official information that the Governor did, on the 15th instapprove and sign enrolled bills which originated in the House of Representatives of the following tiles:

An act for the benefit of Frances Kerchival.

An act to direct the sale of a lot of ground and meetinghouse in Bath county, called New Salem; and

An act to organize a fire company in the town of Frankfort.

The Speaker laid before the Senate the annual report of George

A. Robertson, Librarian, which was laid on the table.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred an engrossed bill, entitled, an act to amend the law concerning executions, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be re-engrossed, and again read a

third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Conner, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to change the venue in the case of George Lansdown, reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading

of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. Conner, from the committee to whom was referred a bill from the House of Representatives, entitled, an act to authorise the taking of depositions in a summary way, to perpetuate testimony, reported the same with amendments, which were twice read, and the first concurred in; and the said bill was referred to the committee of courts of justice.

On the motion of Mr. Guthrie,

Resolved, That the committee of courts of justice enquire into the expediency of requiring the clerks of the circuit courts to keep the records of chancery proceedings in separate and distinct record books from the records of the proceedings in common law causes, and that they report by bill or otherwise.

On the motion of Mr. Parks,

Resolved, That the committee on internal improvements enquire into the necessity and propriety of removing obstructions to the navigation of Main Licking river, and to make provision for the accomplishing of that object.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to authorise the election of trustees in the Town of Monticello.

An act allowing additional terms to the Jessamine county court. An act to extend the boundary of the Maysville election precinct

in the county of Mason.

An act to regulate the fines and forfeitures of Nicholas county; and An act to provide for the annual appointment of commissioners to take in lists of taxable property, and for the annual valuation thereof,

And had found the same truly enrolled; and that said bills had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

On the motion of Mr. Taylor.

Resolved, That the auditor of public accounts be instructed to report to the Senate, the amount of each and every year's profits of the Bank of the Commonwealth, that have been paid into the treasury and applied in aid of the revenue, to the disbursements of the government.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Cunningham-I. A bill to appropriate some of the vacant lands in the counties of Muhlenburg, Butler and Edmonson, for the improvement of the roads in those counties.

On the motion of Mr. Daviess-2. A bill to amend the law in

relation to the Solemnization of marriages.

On the motion of Mr. McHenry-3. A bill for the benefit of the Head-right settlers south of Green river, and for other purpos-

On the motion of Mr. Gilbert-4. A bill repealing all laws permitting the people of Rockcastle and Laurel counties passing

through the Wilderness turnpike gate toll free.

Messrs. Cunningham, Murrell and Roberts were appointed a committee to prepare and bring in the first; Messrs. Daviess, Thornton and Clark, the second; Messrs. McHenry, Coffey and Bramlette, the third; and Messrs. Gilbert, Dejarnatt and Coffey the fourth.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Daviess-1. A bill for the benefit of the jailor of Mercer county.

By Mr. Wingate-2. A bill to regulate the terms of certain-

circuit courts, and for other purposes.

By Mr. Brown-3. A bill to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles.

And by Mr. Cunningham-4. A bill to appropriate some of the vacant lands in Butler, Edmonson and Muhlenburg counties.

And 5. A bill to alter the time of holding the Butler circuit and county courts.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred: the first, to the committee who reported it; the second, to a committee of Messrs. Daviess, Wingate, Brown, Dougherty and Boyd; the third, to the committee of internal improvements; the fourth, to the committee of finance; and the fifth, to a committee of Messrs. Roberts, Dejarnatt and Grider.

Bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of Mark Philips.

2. An act for the benefit of Bennet B. Jones. 3. An act to add a part of the county of Knox to the county of Laurel.

4. An act for the benefit of Henry Weddington. 5. An act for the benefit of Margaret Gorman.

6. An act for the benefit of Elizabeth Chapman; and

7. An act to amend an act, entitled, an act for incorporating the Hartford Bridge Company, approved December 5, 1823;

Were severally read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred; the first, second, fifth and sixth, to the committee of religion; the third, to the committee of propositions and grievances; the fourth, to the committee of finance; and the seventh, to the committee of internal improvements.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Elijah Barnes.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek, in Perry county; and

An act to establish an election precinct in Graves county;

Were severally read the the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill entitled, an act to establish a judicial district

was referred to the committee of courts of justice.

A bill to amend the several acts to suppress the practice of duelling, was read the second time, and referred to the committee of courts of justice.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the

following titles, viz: 1. An act to authorise the building of an arsenal for the security and preservation of the public arms.

- 2. An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.
- 3. An act to change the bounds and place of voting in an election precinct in Bracken sounty.
 - 4. Anact for the benefit of the heirs of James Speed.
 - 5. An act for the benefit of James J. Miles.6. An act for the benefit of Sampson Tramell.
- 7. An act to appoint trustees to the Union School in Caldwell county, and to make them a corporate body.
 - 8. An act for the benefit of the clerk of Calloway county court.
 - 9. An act for the benefit of Summerville Carey.
 10. An act for the benefit of Margaret Henderson.
 - 11. An act for the benefit of Wm. M. Lane.
- 12. An act for the benefit of the heirs and devisees of John Shith, deceased.
 - 13. An act for the benefit of Isaiah Miller.
- 14. An act to repeal an act, entitled, an act to authorise the sale of Lebanon meeting house, in the county of Todd, approved December 15, 1832.
- 15. An act incorporating the Mount Pleasant United Baptist Church Society, in the town of Brandenburg.
- 16. An act to authorise the county cout of Wayne to sell a small piece of ground, and for other purposes.
- 17. An act to authorise the erection of a new jail in Clarke country, and for other purposes.
- 18. An act to incorporate the Orphan Society of Lexington; and 19. An act to abolish certain election precincts in the county of Pike, and for other purposes.
- The said bills were severally read the first time, and ordered to be read a second time.
- The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with; the first second, fifth, sixth and thirteenth were referred to the committee of finance; the seventh, to the committee of education; the eighth, twelfth and eighteenth, to the committee of courts of justice; the ninth, tenth and fifteenth, to the committee of Religion; and the eleventh, to a committee of Messrs. Bibb, Grider, Thornton and Roberts; the third, fourth, sixteenth, seventeenth and nineteenth, (the seventeenth
- having been amended) were ordered to be read a third time.

 The rule of the Senate, constitutional provision, and third reading of the third, fourth, sixteenth, seventeenth and nineteenth bills, having been dispensed with:
- Revolved, That the said bill do pass, the seventeenth as amended, and that the title thereof be as aforesaid.
- A bill from the House of Representatives, entitled, an act to authorise the Board of Internal Improvements for Shelby county to

erect a toll gate, was taken up, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill to declare and explain the law concerning conveyances, was read the second time, and amended.

And then the Senate adjourned.

FRIDAY, JANUARY 17, 1834.

I Mr. James presented the petition of Elizabeth Burkelow pray-

ing a divorce from her husband, John D. Burkelow.

2. Mr. Taylor presented the petition of sundry citizens of Mason county, praying that a law may pass to establish a system of Common Schools that will afford the means of instruction to every child in the community.

3. Mr. Taylor also presented the petition of sundry citizens of Mason and Lewis counties, praying for the incorporation of the

Maysville Bank.

4. Mr. Wingate presented the petition of Samuel Payne, praying that a law may pass releasing him from a judgment in favor of the Commonwealth, against him and John Pattie, as securities for John F. Clark, the amount of said judgment having been paid by them to the attorney General.

Which petitions were received and referred; the first, to the committee of Religion; the second, to the committee of education; the third, to the committee of finance; and the fourth, to the com-

mittee of courts of justice.

Bills from the House of Representatives of the following titles, were reported from the several committees to whom they were referred, without amendment, viz:

By Mr. W. Owsley from the committee of courts of justice—I. An act to incorporate the Orphan Society of Lexington; and

2. An act authorising Levi Jones to withdraw the will of Richard Jones Waters, from the county court of Jefferson.

Mr. Daviess from the committee of propositions and grievances—3. An act to add a part of the county of Knox to the county of Laurel.

By. Mr. Taylor from the committee of finance—4.—An act to improve and open the road from the Rocky Spring in Harrison county, by the way of Colmansville, to Williamstown in Grant county; and

By Mr. Bibb—5. An act for the benefit of William M. Lane. Ordered, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the third and fifth bills, having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Mr. W. Owsley from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to authorise the taking of depositions in a summary way, to perpetuate testimony, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be read a third time.

Mr. W. Owsley from the same committee to whom was referred a bill to amend an act, entitled, an act to add a part of the land of Richard Forrest to the town of Lebanon, approved November 15, 1831, and for other purposes, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same be-

ing engrossed;

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. Taylor from the committee of finance, to whom was referred a bill to establish the Bank of Kentucky; and a bill to incorporate the Bank of Maysville, reported the same with amendments to each; and they were referred to the committee of the whole House on the state of the Commonwealth, for Tuesday next.

Mr. Taylor from the same committee to whom was referred a bill to appropriate some of the vacant lands in Butler, Edmonson and Muhlenburg counties, reported the same with amendments, which were twice read and concurred in:-The said bill was further amended and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same be-

ing engrossed,

Resolved, That the said bill do pass, and that the title be amended to read, an act to appropriate some of the vacant land in certain

counties to the improvement of their roads.

Mr. Taylor from the same committee to whom was referred a bill from the House of Representatives, entitled, an act to appropaiate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland, reported the same with amendments, which were twice read and concurred in.

The said hill was further amended and ordered to be read a

third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. Taylor from the same committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Henry Weddington, reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass. The said bill and resolution were laid on the table.

The Speaker laid before the Senate, the report of the Secretary of State, of the number of the justices of the peace in each county in this Commonwealth, prepared in compliance with a resolution of the Senate.

Ordered, That the public printer print one hundred and fifty

copies thereof for the use of the general assembly.

Mr. W. Owsley from the committee of courts of justice, to whom was referred an engrossed bill, entitled, an act to establish a judicial district, reported the same without amendment, and it was laid on the table.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to a bill from that House, entitled, an act to change the venue in the case of George Lansdown; and that they had passed bills and a resolution which originated in that house of the following titles, viz:

An act to amend an act concerning head right certificates.

An act for the benefit of Polly Masters. An act for the benefit of John Campbell.

An act to improve certain public roads in Lewis county. An act to incorporate a Bridge Company at Falmouth.

An act for the benefit of Strother J. Hawkins. An act for the benefit of William Shackelford.

An act to amend the several laws establishing towns in this Commonwealth.

And a resolution appointing a committee to digest the militia law of the State, &c.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Willis—1. A bill to appropriate some of the vacant lands of the State to the improvement of the public highways thereof; and

On the motion of Mr. Chinn-2. A bill to provide for the pay-

ment of private property taken for public purposes.

Messrs. Willis, Griffith and Murrell, were appointed a committee to prepare and bring in the first; and Messrs. Chinn, Thornton, Wingate and Clark, the second.

After a short time, Mr. Willis and Mr. Chinn, from the said committees, reported the said bills—they were each read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, the first was referred to the committee of Finance; and the second, to the committee of courts of justice.

Mr. Daviess from the committee of propositions and grievances, reported a bill to change the place of voting in one of the precincts in Cumberland county, which was read the first time and ordered

to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with; and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Thornton from the committee to whom was referred a bill from the House of Representatives, entitled, an act to prevent the sale of growing crops, reported the same with an amendment.

The said bill and amendment were recommitted to a committee of Messrs. Thornton, Chinn, Heady, Roberts, Willis, Murrell,

James, Dougherty, Grider and Bibb.

Mr. James from the committee appointed for that purpose reported a bill to encourage the manufacture of Queensware, which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of domestic manufactures.

On the motion of Mr. McHenry,

Ordered, That the public printer print one hundred and fifty copies of the several reports of the commissioners appointed to superintend the improvement of the navigation of Cumberland river.

Mr. Grider read and laid on the table the following resolution, viz: Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be requested to apply to the War Department of the National Government, to be furnished with such surveys as may have been made of the rivers within this Commonwealth, and that the representation of Kentucky in Congress, be informed of this resolution.

On the motion of Mr. W. Owsley,

The committee of courts of justice were directed to prepare and bring in a bill for the benefit of the devisees of Christian Snell, late of Louisville.

A bill to declare and explain the law concerning conveyances, was referred to the committee of the whole House on the state of

the Commonwealth, for Monday next.

A bill from the House of Representatives entitled, an act for the benefit of William Garrett, was read the third time; and the question being taken on the passage thereof, it was decided in the negative, and so the said bill was disagreed to. A bill from the House of Representatives, entitled, an act to establish the town of the Stamping Ground, in Scott county, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

And then the Senate adjourned.

SATURDAY, JANUARY 18, 1834.

Mr. David K. Harris, a member of the Senate from the counties of Floyd, Morgan, Pike and Perry, appeared and took his seat.

1. Mr. Brown presented the petition of sundry citizens of Jessamine county, praying that the time of holding the circuit court of

said county may be changed.

2. Mr. Boyd presented the petition of Gray Nutgrass and William Collings, praying the passage of a law authorising the sale of a small tract of land in Shelby county, the property of their grand-children who are infants.

3. Mr. Guthrie presented the petition of the stockholders in the Bank of Louisville, praying that the charter of said Bank may

be amended.

4. Mr. Guthrie also presented the petition of sundry citizens of the city of Louisville and the county of Jefferson, against the appointment of John M. Hewitt, as circuit judge of the fifth judicial district.

The said petitions were severally received, the three first referred to the committee of courts of justice, and the fourth was laid on

the table.

Mr. Clark from the committee of internal improvements, to whom was referred an engrossed bill entitled, an act authorising the erection of a bridge across Main Licking, in Harrison county, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be engrossed, and again read a third

time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being re-engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Heady from the committee of internal improvements, to whom was referred a bill to establish a road from Harrodsburg to Taylorsville, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Grider from the committee of internal improvements, to whom was referred bills from the House of Representatives, of the following titles, viz:

1. An act to build a bridge across Jilico river in Whitley county. 2. An act appropriating land for improving certain roads in

Harlan county.

3. And an act to amend an act entiled, an act for incorporating the Hartford Bridge company.

Reported the same with amendments to each, which were twice

read and concurred in.

The third bill was committed to the committee of finance; and the first and second, were ordered to be read a third time as amended.

The rule of the Senate, constitutional provision, and third reading

of the first and second bills, having been dispensed with:

Resolved, That the said bills, as amended, do pass, and that the

titles thereof be as aforesaid.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of the heirs of Samuel Allison, deceased. An act to authorise Fleming Jones to build a mill dam across

the South Fork of Little Barren river: and An act for the benefit of Alfred Bowren.

And had found the same truly enrolled: that said bills had been

signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto; and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Mr. Daviess from the committee to whom was referred a bill for the benefit of the jailor of Mercer county, reported the same without amendment, and it was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being

engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Roberts,

Ordered, That Mr. Chinn be added to the committee of education. Mr. Guthrie from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the clerk of the Calloway county court, report the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time; and that the public printer print one hundred and fifty copies there-

of, for the use of the general assembly.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act to increase the Revenue.

An act for the benefit of Isabella Rowland.

An act to incorporate the Shepherdsville and Elizabethtown turnpike road company.

An act for the benefit of John F. Power.

An act for the benefit of Caldwell, Livingston and Todd coun-

An act to establish an election precinct in the county of Grayson. An act to alter the time of holding the Hickman and Graves circuit courts, and for other purposes.

An act for the benefit of John Holt, Sen.

An act to establish a state road from the town of Owenborough, on the Ohio river, by the way of the mouth of Rough creek and

Greenville to Hopkinsville.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State. The rule of the Senate having been dispensed with, the said message was taken up and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, Charlton Hunt, to be commissioned Mayor of the city of Lexington for one year from the day of the late election in said city, for Mayor, and until his successor shall be commissioned and qualified. JOHN BREATHITT.

Frankfort, January 18, 1834.

Resolved, That the Senate advise and consent to the said appointment of Charlton Hunt, agreeably to the said nomination.

Mr. Roberts from the committee to whom was referred a bill to alter the time of holding the Butler circuit and county courts, reported the same with amendments, which were twice read and concurred in.

The said bill was further amended, and ordered to be engrossed

and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved. That the said bill do pass, and that the title be amended to read, an act to alter the time of holding certain courts.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Daviess—1. A bill to regulate the number of the justices of the peace in the respective counties in this Commonwealth.

On the motion of Mr. Chinn—2. A bill to incorporate the Theological Seminary of the Protestant Episcopal church in the state of Kentucky.

On the motion of Mr. Roberts-3. A bill to alter the time of holding the circuit courts of Meade county, and for other purposes.

And on the motion of Mr. Daviess—4. A bill to amend the law authorising the appointment of agents to wind up the concerns of the Bank of the Commonwealth of Kentucky.

Messrs. Daviess, Parks, W. Owsley, Gilbert, Griffith, Prince, Grider, Bramlette and Dougherty, were appointed a committee to prepare and bring in the first; Messrs. Chinn, Thornton and Roberts, the second: Messrs. Roberts, Cunningham and Grider, the third; and Messrs. Daviess, Guthrie, and Thornton, the fourth.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Daviess from the committe of propositions and grievan-

ces-1. A bill further to regulate the town of Eddyville.

By Mr. Clark from the committee of internal improvements—2. A bill to improve the south fork of the Kentucky river from its junction with the north fork to the Goose creek salt works.

By Mr. Thornton-3. A bill to regulate tavern licences, and to

prevent the sale of spirituous liquors to slaves.

And by Mr. Chinn—4. A bill to incorporate the Theological Seminary of the Protestant Episcopal church in Kentucky.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the second, third and fouth bills, and the second and third readings of the first bill, having been dispensed with; the second was referred to the committee of finance; the third, to the committee of courts of justice; and the fourth, to the committee of education.

Resolved, That the first bill do pass, it having been engressed,

and that the title thereof be as aforesaid.

Bills forom the House of Representatives of the following titles, viz.

1. An act for the benefit of Strother J. Hawkins.

2. An act to amend an act concerning head-right certificates.

3. An act for the benefit of Polly Masters.

4. An act for the benefit of John Campbell.5. An act to improve certain public roads in Lewis county.

6. An act to incorporate a Bridge Company at Falmouth.

7. An act for the benefit of William Shackelford.

8. An act to amend the several laws establishing and regulating towns in this Commonwealth; and

9. An act to increase the revenue;

Were severally read the first time; and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills, (except the second.) having been dispensed with; the first, fif.h, seventh and ninth, were referred to the committee of finance; the third and fourth, to the committee of religion; the sixth, to the committee of internal improvements; and the eighth, to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act to incorporate the Orphan Society of Lexington, was read the third

time.

Resolved. That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. Dougherty presented the petition of sundry citizens of Gallatin county, praying the passage of a law authorising the county court of said county to appoint an additional constable. Which petition was received and referred to a committee of Messrs. Dougherty, Nuttall and Heady.

And then the Senate adjourned.

MONDAY, JANUARY 20, 1834.

The Senate assembled.

The Speaker laid before the Senate the annual report of the Commissioners of the Lunatic Asylum; which is as follows, viz:

To the Honorable the General Assembly of the Commouwealth of Kentucky:

GENTLEMEN:

In conformity to the law passed in eighteen hundred and twenty-three, the Commissioners of the Lunatic Asylum, beg leave

respectfully to submit this report:

The accompanying document marked A., exhibits a list of the patients in this Institution, on the 11th inst. their age, diseseas, date when received, and the county from which they were sent; also, the number admitted, being three hundred and ninety-six from the foundation of this humane Institution, by your honorable body, from which it appears, one hundred and fifty have been restored to society and their friends, in the past year; forty-three patients have been received; twelve of whom have been discharged, cured. Of those that remained in the Asylum when we had the honor to report last, seven have been discharged, and forty-six

died the past year. In common with the citizens of this city, the number of deaths was much increased, under the visitation of Divine Providence in the shape of Asiatic Cholera. The number at present in the house, is sixty six; some of whom are convalescent.

The document marked B, exhibits the receipts and expenditures of the Institution for the last year: shewing a balance in the hands of the Chairman, of two thousand one hundred and fifty dollars and sixty and three-fourth cents in specie.

Your commissioners beg leave to recommend the appropriation of six thousand dollars, for the support of the Institution for

the ensuing year.

All of which is respectfully submitted by your Commissioners.

JOHN W. HUNT, JOHN BRAND, R. HIGGINS, T. P. HART, S. CHIPLEY.

[A.]
Abstract of Patients remaining in the Lunatic Asylum, 11th of January, 1834.

		31		
Date.	Sex.	Age.	Discase.	County.
May 4, 1824,	Female,	17	Idiocy,	Breckinridge,
July 20, 1824,	Female,	36	Colunear,	Clarke,
Oct. 23, 1824,	Female,	27	Mania,	Madison,
Oct. 25, 1825,	Male,	37	Mania,	Fayette,
Jan. 25, 1825,	Female,	26	Idiocy,	Shelby,
June 4, 1825,	Male,	31	Mania,	do.
June 15, 1826,	Male,	33	do.	Warren,
April 4, 1826,	Male,	23	Dolore,	Jefferson,
Oct. 21, 1826,	Female,	35	Mania,	do.
Oct. 25, 1827,	Male,	48	do.	Fayette,
May 10, 1827,	Male,	32	Epilepsy,	do.
May 29, 1827,	Female,	53	Peuerperil,	Washington,
June 13, 1827,	Male,	29	Idiocy,	Pendleton
July 7, 1827,	Female,	48	do.	Fayette,
Oct. 6, 1827,	Female,	63	Mania,	Christian,
Nov. 2, 1827,	Female,	13	Idiocy,	Breckenridge,
Nov. 23, 1828,	Female,	46	Mania,	Logan,
Dec. 23, 1828,	Female,	41	Dolore,	McCracken,
Feb. 15, 1828,	Male,	43	Mania,	Mississippi,
April 10, 1828,	Female,	43	do.	Barren,
May 7, 1828,	Female,	30	do.	Laurel,
June 23, 1828,	Male,	43	do.	Fayette,

Date.	Sex.	Age.	Disease.	County.
Aug. 4, 1828,	Female,	44	Idiocy,	Wayne,
Oct. 2, 1828,	Male,	36	Mania,	Barren,
April 29, 1829,	Male,	21	A potu,	Jefferson,
May 30, 1829,	Female,	38	Mania,	Logan,
July 25, 1829,	Female,	35	do.	Simpson,
Sept. 5, 1829,	Female,	17	Epilepsy,	Mercer,
April 21, 1830,	Female,	54	Mania,	do.
June 21, 1830,	Female,	40	do.	do.
Sept. 2, 1830,	Female,	30	Epilepsy,	Simpson,
Oct. 2, 1830,	Male,	34	do.	Mercer,
Oct. 17, 1830,	Male,	142	Mania,	Ohio,
Oct. 25, 1830,	Female,	39	Epilepsy,	Ohio,
Jan. 23, 1831,	Male,	25	Mania,	Jefferson,
April 19, 1831,	Male,	16	Epilepsy,	Garrard,
May 2, 1831,	Male,	42	Mania,	Pike,
July 16, 1831,	Male,	27	Epilepsy,	Mercer,
Sept. 19, 1831,	Male,	61	A potu,	Fayette,
Nov. 21, 1831,	Male,	36	Mania,	do.
Nov. 21, 1831,	Male,	25	Idiocy,	do.
Dec. 11, 1831,	Female,	34	Mania,	Allen,
Mar. 5, 1832,	Male,	26	do.	Bourbon,
Mar. 31, 1832,	Female,	38	do.	Tennessee,
Aug. 21, 1832,	Male,	33	Epilepsy,	Mason,
Aug. 22, 1832,	Male,	19	do.	Harlan,
Oct. 19, 1832,	Female,	25	Mania,	Woodford,
Oct. 19, 1832,	Female.	35	do.	Fayette,
Dec. 11, 1832,	Female,	35	Idiocy,	do.
Feb. 18, 1833,	Male,	17	Mania,	Alabama,
April 22, 1833,	Male,	22	Mania,	Nelson,
July 11, 1833,	Male,	35	Lunacy,	Fleming,
July 31, 1833,	Male,	24	do.	Shelby,
Sept. 4, 1833,	Female,	33	Mania,	Allen,
Sept. 17, 1833,	Male,	22	do.	Montgomery,
Sept. 30, 1833,	Male,	34	do.	Indiana,
Oct. 18, 1833,	Female,	40	do.	Bullitt,
Nov. 6, 1833,	Male,	35	Lunacy,	Fayette,
Nov. 20, 1833,	Male,	23	Mania,	Allen,
Nov. 22, 1833,	Male,	26	do.	Mississippi,
Nov. 25, 1833,	Male,	19	Idiocy,	Rockcastle,
Nov. 28, 1833,	Male,	32	Mania,	Boone,
Nov. 29, 1833,	Male,	45	Mania,	Fayette,
Dec. 16, 1833,	Male,	28	Mania,	Mason,
Dec. 19, 1833,	Male,	20	Idiocy,	Fayette.
Jan. 10, 1834,	Male,	21	Lunacy,	Green.

Males 38—Females 28—Total 66.

104 JOURNAL OF THE SENA	TE. [Jan. 20.
Patients remaining in the Hospital, the 11th Of whom have died, discharged cured,	7	102
Received into the Hospital from 11th Dec. I to 11th January, 1834,	832,	43
是一个 的 是一个一个一个		145
Of whom have died discharged,	14 12 —26	79
	· · · · · · · · · · · · · · · · · · ·	Total 66
Of whom are paupers, boarders,	51 15 —66	
Since the opening of the Institution, January ary 11th, 1834, there have been received Of whom have died, discharged,	159 150	nu- 396
eloped,	21	330
Remains as	above,	66
[B.] Abstract of the receipts and expenditures of the 11th December, 1832, until 11th Jacobs State appropriation in Commonwealth paper Received from boarders,	creater 99 2003	
		310,031 75
Provisions, Clothing, Furniture and bedding, Fuel, Repairs and finishing new wing textras, Conveying patients, Medicine and physicians' salaries Salaries and hire, Balance in the hands of the chair	to Asylum,	\$2436 75 819 88 338 05‡ 945 80 1630 82‡ 202 26‡ 328 37‡ 146 1033 19‡ \$2150 60‡

Ordered, That the said report be referred to the committee of finance.

Mr. James presented the petition of sundry citizens of the town of Paducah, praying the passage of a law granting to the Trustees of said town, the right of ferry across the Ohio river at that place.

Mr. Dougherty presented the petition of sundry citizens of the town of Warsaw and its vicinity, in the county of Gallatin, praying for the appointment of a justice of the peace to reside in said town.

And Mr. Guthrie presented the memorial of sundry citizens of the city of Louisville and county of Jefferson, against the appointment of John M. Hewitt, as circuit judge of the fifth judicial district.

The said petitions and memorial were received, the first and third laid on the table, and the second referred to a committee of

Messrs. Dougherty, Nuttall and Boyd.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill to provide for the payment of private property taken for public purposes, reported the same with amendments, which were twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time

to-morrow.

Mr. W. Owsley from the same committee, made the following re-

port, viz:

Resolved, That the petition of Gray Nutgrass and William Collings, praying for the passage of a law anthorising the sale of a tract of land belonging to the heirs of Abraham Collings, deceased, be rejected.

Which was twice read and concurred in.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the acts concerning the town of Shepherdsville, reported the same with amendments, which were twice read and concurred in:

And the said bill was ordered to be read a third time as amended.

The rule of the Senate, constitutional provision, and third

reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended to read, an act to amend the acts concern-

ing the towns of Shepherdsville and Elizabethtown.

Mr. W. Owsley from the same committee to whom was referred a bill from the House of Representatives, entitled, an act to amend the several laws establishing and regulating towns in this Commonwealth, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. W. Owsley from the same committee, to whom was referred a bill to regulate tavern licenses, and to prevent the sale of spiritous liquors to slaves, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time to-morrow; and that the public printer print one hundred and

fifty copies thereof, for the use of the general assembly.

On the motion of Mr. W. Owsley,

The committee of courts of justice was discharged from the duty of preparing and bringing in a bill for the benefit of Ann Jane Luckett and others. The committee having reported that it was inexpedient to legislate on that subject.

Mr. W. Owsley from the committe of courts of justice, reported a bill to amend the law prescribing penalties for obstructing na-

vigation;

Which was read the first time, and ordered to be read a second

time.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to change the place of voting at a precinct in Grant?county;

and for other purposes.

An act to legalize the proceedings of the Caldwell county court.

An act to empower the Trustees of the town of Lebanon to open alleys in said town.

An act authorising Levi Jones to withdraw the will of Richard

Jones Waters, from the county court of Jefferson; and

An act to change the venue in the case of George Lansdown.

And had found the same truly enrolled; that said bills had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented

to the Governor for his approbation and signature.

After a short time, Mr. Prince reported that the committee had

performed that duty.

A message was received from the House of Representatives, announcing their concurrence in the amendments proposed by the Senate, to bills which originated in that House of the following titles, viz:

An act to amend an act entitled, an act to establish a road from Louisville to the state line, in a direction to Knoxville, approved

January 22d, 1833.

An act for the benefit of Colemansville.

An act allowing William McHargue, of Laurel county, to erect a gate across the road leading from the salt works to Whitley county, and for other purposes.

An act to change the place of voting in the precincts in Han-

cock county, including the town of Bloomfield.

An act to erect a new jail in Clarke county, and for other pur-

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland

That they had received official information, that the Governor did, on the 17th instant, approve and sign enrolled bills, which

originated in the House of Representatives of the following titles, viz: An act to regulate the fines and forfeitures of Nicholas county.

An act to provide for the annual appointment of commissioners to take in the lists of taxable property, and for the annual valuation

An act to extend the boundary of the Maysville election precinct,

in the county of Mason.

An act to authorise the election of Trustees in the town of Monticello.

And an act to allow additional terms to the Jessamine county

And that they had passed bills and a resolution of the following titles, viz:

An act to establish an election precinct in the town of Ghent, in

Gallatin county, and for other purposes.

An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

An act to amend the penal laws of Kentucky.

An act to amend the law authorising the sale of infants' estates.

An act for the benefit of Augusta College.

An act to authorise the opening of a road from Flat Rock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville. An act to authorise an additional term for the trial of criminals, in the Fayette circuit court.

An act for the benefit of Charles T. Wing and Barnet Eades. A resolution for releasing Joel Scott, keeper of the Penitentiary, from his contract with the state.

Mr W. Owsley from the committee of courts of justice, made

the following report, viz:

The committee of courts of justice to whom was referred, the nomination of John M. Hewitt, to be circuit judge of the fifth judicial district, have had the same under consideration, and come to the following resolution thereon, viz:

Resolved, That the Senate advise and consent to the appointment of John M. Hewitt, circuit Judge of the fifth judicial district.

The said resolution was twice read.

Mr. Guthrie moved to amend the same by inserting after the word "Senate," the words do not.

And the question being taken thereon, it was decided in the negative, and so the said resolution was adopted.

The yeas and nays being required thereon by Messrs. Willis and

Brown, were as follows, viz:

YEAS-Messrs. Bibb, Boyd, Chinn, Cunningham, Gholson, Grider, Griffith, Guthrie, Heady, McDonald, McHenry, Murrell, H. Owsley, W. Owsley, Southgate, Taylor-16.

NAYS-Messrs. Beaseman, Bramlette, Brown, Clark, Coffey, Conner, Daviess, Dejarnatt, Dougherty, Gilbert, Harris, James,

Nuttall, Parks, Prince, Roberts, Thornton, Sisk, Willis, Wingate, Young-21.

Ordered, That Mr. Willis inform the Governor thereof.

On motion, Ordered that the committee appointed on the part of the Senate to examine the Register's office, be excused from serving on said committee, and that Messrs. Clark, Willis and Bramlette be appointed in their stead.

And then the Senate adjourned.

TUESDAY, JANUARY 21, 1834.

The Senate assembled.

Mr. Taylor moved the following resolutions, viz:

Whereas, Col. William P. Fleming, a member of the Senate from

the county of Fleming, has this morning departed this life;

Be it therefore resolved, That a committee of six members be appointed to make such arrangements as they may deem proper, to pay respect to the remains of the deceased; and that each member of the Senate wear crape on the left arm for thirty days, as a testimony of respect to his memory.

And as a further testimony of that respect: Be it resolved, That the Senate do now adjourn.

Which being twice read; the first resolution was unanmously adopted; and Messrs. Taylor, Daviess, Brown, Prince, Gholson and Wingate were appointed a committee pursuant thereto.

The second resolution was then unanimously adopted.

WEDNESDAY, JANUARY 22, 1834.

The Senate assembled.

The Speaker laid before the Senate a communication from H. I. Anderson and J. J. Vest, candidates for the office of Agent and Keeper of the Penitentiary, stating the terms on which they desire to receive the institution, and the manner in which they would prefer to conduct it; which was read and referred to the committee on the Penitentiary.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the

following titles, viz:

An act for the benefit of the London Seminary in Laurel county.

An act to appoint Trustees for the town of Williamstown, and for other purposes.

And an act authorising the guardian of the heirs of Corbin Dor-

sey, deceased, to sell a negro woman.

Mr. W. Owsley from the committee of courts of justice, to whom was referred a bill to encourage the publication of a new digest of the Statute Law of Kentucky, reported the same with amendments:

Which were twice read and concurred in, and the said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Daviess from the committee of propositions and grievances, reported a bill to establish the town of Mills Point, in the county of Hickman, and for other purposes:

Which were read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Daviess from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to etablish the county of Marion, reported the same with amendments;

Which were twice read, and the two first were concurred in.

A part of the sixth section of the said bill, which is proposed to be amended, is as follows, viz:

"§ 6. Be it further enacted, That Richard Forrest, Benedict Spalding, James Fleece, Nicholas Ray, and Felix Grundy be, and they, or a majority of them, are hereby authorised and empowered to select and purchase a suitable lot or parcel of ground in the town of Lebanon, for the erection of the public buildings, and shall make report of their purchase and the terms thereof, to the county court at its succeeding session."

The said amenament proposes to strike out the names printed in italics, and to insert in lieu thereof, Gen. James Allen, of Green county, Joel P. Williams, of Mercer county, and Joseph Abel, of

Hardin county.

Mr. Guthrie moved to amend the said amendment, by striking out the names of Gen. James Allen, &c. and inserting in lieu thereof, the Justices of the said county of Marion.

Mr. Willis called for a division of the question, and the question being taken on striking out the names of James Allen, &c., in the said amendment, it was decided in the negative, and the said amendment, reported by the committee, was concurred in. The yeas and nays being required thereon by Messrs. Willis and

McDonald, were as follows, viz:

YEAS-Messis. Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Gholson, Grider, Griffith, Guthrie, Heady, James, Mc-

Donald, W. Owsley, Taylor, Thornton-17.

NAYS-Messrs. Beaseman, Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Harris, McHenry, Murrell, Nuttall, H. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Willis, Wingate, Young-20.

Mr. Guthrie moved to amend the said bill by adding thereto the

following section, viz:

Be it further enacted, That the county of Marion shall be, and the same is hereby attached to the ____ judicial district.

Mr. Grider moved to fill the blank in the said amendment with

the word eighth.

The question being taken thereon, it was decided in the nega-

The yeas and nays being required thereon by Messrs. Willis

and Daviess, were as follows, viz:

YEAS-Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Grider, Murrell, Nuttall, Parks, Prince, Sisk, South-

gate, Willis-14.

NAYS-Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Gholson, Griffith, Guthrie, Harris, Heady, James, McDonald, McHenry, H. Owsley, W. Owsley, Roberts, Taylor, Thornton, Wingate, Young-23.

The said blank was then filled up with, ninth, and the amend-

ment was adopted.

Mr. McDonald moved to lay the said bill on the table until the

first day of June next. And the question being taken thereon, it was decided in the

negative.

The yeas and nays being required thereon by Messrs. Willis and

McDonald, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Grider, Griffith, Guthrie, James, McDonald, W. Owsley, Southgate, Taylor, Thornton-17.

NAYS-Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Harris, Heady, McHenry, Murrell, Nuttall, H. Owsley, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young

Mr. McDonald then moved to amend the said bill by adding

thereto, the following section, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be the duty of the several clerks and sheriffs who shall preside over the several precincts in that part of Washington that is now laid off to establish the county of Marion, to open their poll books for the citizens of that part of the county to vote for and against said division of Washington, and if there shall be a sufficient number of all the qualified voters in said boundary to constitute the ratio for a representative; then, and in that case, this act is to go into effect on the first day of September next; otherwise this act is not to go into effect, but is to be null and void to all intents and purposes.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and McDonald, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Griffith, Guthrie, Harris, McDonald, Southgate, Taylor, Thornton—15.

NAYS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Heady, James, McHenry, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young—22.

Ordered, That the said bill, as amended, be read a third time.

Two messages in writing were received from the Governor, by Mr. Sanders, Secretary of State.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Dougherty,

A bill to establish a state road from Frankfort to King's ferry on the Ohio river.

On the motion of Mr. Heady,

A bill to amend the act, entitled, an act to incorporate a company to turnpike a road from Bardstown to Louisville, approved December the 23d, 1831.

Messrs. Dougherty, Boyd and Nuttall, were appointed a committee to prepare and bring in the first, and Messrs. Heady, Boyd and Roberts, the second.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles, and had found the same truly enrolled, viz:

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.

An act to establish the town of the Stamping Ground in Scott county.

An act for the the benefit of Colemansville.

An act to amend an act, entitled, an act to establish a road from Louisville to the state line, in a direction to Knoxville, approved January 22d, 1833.

An act allowing William McHargue of Laurel county, to erect a gate across the road leading from the salt works to Whitley county, and for other purposes.

An act to change the place of voting in election precincts in

Hancock and Nelson couinties.

An act to authorise the erection of a new jail in Clarke county, and for other purposes.

An act to incorporate the Orphan Society of Lexington.

An act to add a part of the county of Knox to the county of Laurel.

An act for the benefit of the heirs of James Speed.

An act to the belief of the hors of this speciment for Shelby county to erect a toll gate.

An act to authorise the county court of Wayne to sell a small piece of ground, and for other purposes.

An act for the benefit of Wm. M. Lane.

An act to change the bounds and place of voting in an election precinct in Bracken county.

An act to establish certain election precincts in the county of

Pike, and for other purposes.

An act for the benefit of Elijah Barnes.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek, in Perry county

An act to establish an election precinct in Graves county.

An act for the benefit of Robert Sanders.

A resolution for appointing a joint committee to examine the Register's office.

That said bills had been signed by the Speaker of the House of

Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Mr. Conner moved the following resolution, viz:

Resolved, That the President of the Bank of the Commonwealth furnish to the Legislature, a list of all the names of the insolvent debtors; and also the names of those that are considered doubtful; and also the names of those against whom suit has been brought, in each county.

Mr. Taylor moved to lay the said resolution on the table.

And then the Senate adjourned.

THURSDAY, JANUARY 23, 1834.

The Senate assembled.

Mr. Thornton from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Risolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act to repeal the law concerning roads, so far as it relates

to Bracken county, approved anuary 29, 1830.

An act for the benefit of Drury Evans.

An act to authorise the Trustees of the African Church in Lexington, to convey a house to Sary Sayre.

An act to change the venue in the cases of Thomas and P. S.

Outten.

Mr. Wingate from the committee of religion, to whom was referred the petition of Elizabeth Burkelow, praying a divorce from her husband, John D. Burkelow, reported the following resolution thereon, viz:

Resolved, That the said petition be rejected; which was twice

read and concurred in.

Mr. Wingate from the same committee to whom was referred, bills from the House of Representatives of the following titles, viz:

An act for the benefit of Margaret Henderson. An act for the benefit of Mark Philips.

An act for the benefit of Elizabeth Chapman.

Reported the same with the following resolution thereon, viz: Resolved, That the said bills ought not to pass; which was twice read and concurred in, and so the said bills were disagreed to.

Mr. Wingate from the same committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Margaret Gorman, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Clark from the committee of internal improvements, made the following report, viz:

The committee of Internal Improvements and Domestic Manufactures, to whom was referred a resolution instructing them to inquire into the expediency of making an appropriation to the Sandy road, and of erecting two additional turnpike gates thereon, have

had the same under consideration, and report: That the road referred to in the resolution, is what is denominated a state road, and that it was originally opened under the requisitions of an act of the Legislature more than twenty years since. That by an act approved January 29, 1830, the Governor was authorised to employ a suitable engineer to survey the said road from the mouth of Big Sandy river, by the way of Little Sandy salt works, or its vicinity, Owingsville, Mountsterling, Winchester, and to Lexington; with directions to report the best route, to the next General Assembly. That the next session of the Legislature passed an act making an appropriation to aid in the improvement of this road, and authorising a turnpike gate to be placed on it .-To raise the necessary funds for the completion of this work, books of subscription for the contribution of money or labor were opened, and it was agreed on the part of the state, that so soon as three thousand dollars should be subscribed and paid by individuals, there should be paid out of the public treasury, one thousand dollars to aid in the work.

The voluntary contributions required by this act were obtained, and the commssioners, with that sum and the thousand dollars paid by the state, have caused great and important repairs to be made. That by the act making this appropriation the money was expended in improving the road between the mouth of Big Sandy, in Greenup county, and John M. Rice's, in Bath county, a distance

of about eighty miles.

But few roads, if any, in the state of Kentucky, are of equal importance with this, and none afford the same facilities in travelling from the northern part of the state, to the cities of Washing-

ton, Baltimore and Richmond.

The state of Virginia has constructed, with great labor and expense, a road from the town of Staunton, across the mountains to the mouth of Big Sandy river; by the way of the Warm, the Hot, and the White Sulphur Springs, the Kenhawa salt works and Charleston, the highest elevation of which does not exceed five degrees, and on which daily stages run the whole year.

The Sandy road to which an appropriation is asked, unites with this road at the mouth of Big Sandy, thereby giving a continuous road from our seat of government to the large cities before mentioned; and that in travelling to either of them, the distance of from

eighty to one hundred miles will be saved.

The committee would further state that nature has done much for this road. The country through which this road now passes, from Rice's to the mouth of Big Sandy, is based upon a gravel foundation, and admirably adapted to the construction of an artificial raised road. That when the earth is moderately raised above the

common level, the water soon sinks, and thereby leaves the road in fine condition for travelling. That there are but few inhabitants in the vicinity of the road, and they generally poor and entirely destitute of the resources needful for keeping the road in its present

state of improvement.

The committee would further state that this road passes by the Little Sandy salt works, and through the immediate neighborhood of sixteen manufactories of iron, now in successful operation, in Greenup county; that these manufactories furnish a considerable market for the surplus products of the farmers of Fayette, Clarke, Bourbon, Montgomery, Bath, and Fleming counties, the transportation of which is in waggons; that it is on this road that the live stock, north of the Kentucky river, is taken by our enterprising traders, to the Virginia and Maryland markets; amounting to not less than three hundred and fifty thousand dollars, annually.

The committee would remark that, although great improvements have been made on this road, under the act of 1831, much is yet to be done to render travelling in carriages, and transportation of produce in wagons safe and expeditious. The location of the road has not been on the best site in many places. The hills, of which there are but few that present any considerable elevation, can be avoided by winding the road on the sides of them. It is the opinion of the committee, that an appropriation ought to be made sufficient to put the road in repair, and that the tolls arising from two more gates will be sufficient not only to keep it in good condition, but it will give a surplus to the gradual extension of the road into the interior of Bath and Montgomery counties: a bill is therefore reported.

The said bill to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorise a turnpike gate thereon, approved January 15, 1831, was read the first time and

ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to

the committee of finance.

Mr. Taylor from the committee of finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Strother J. Hawkins, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Taylor from the same committee, to whom was referred bills from the House of Representatives entitled, an act appropriating a portion of the vacant lands in the district of country west of the

Tennessee river, for the purpose of education, or of making certain improvements in said district, and for other purposes.

An act to improve certain public roads in Lewis county.

An act for the benefit of Isaiah Miller.

Reported the same with amendments to each, which were twice read and concurred in.

The said bills were ordered to be read a third time as amended.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with:

Resolved, That the said bills, as amended, do pass, and that the title of the first be amended by striking out the words printed in italies: and that the titles of the second and third be as aforesaid.

Mr. Taylor from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act for incorporating the Hartford Bridge Company, approved, December 5, 1823, reported the same with amendments;

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Taylor from the same committee to whom was referred a bill from the House of Representatives, entitled, an act to increase the revenue, reported the same with amendments, which were twice read; and the said bill and amendments were referred to the committee of the whole house on the state of the Commonwealth, for to-morrow.

Mr. Taylor from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Edward Brown, reported the same with their opinion that it ought not to pass.

Ordered. That the said bill be read a third time.

Mr. Chinn from the committee of education, to whom was referred, a bill to incorporate the Theological Seminary of the Protestant Episcopal church in the state of Kentucky, reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time to-morrow.

Mr. Grider from the committee to whom was referred a bill from the House of Representatives, entitled, an act to prevent the sale of growing crops, reported the same with an amendment:

The said bill and amendment were recommitted to a committee of Messrs. Roberts, Guthrie, Grider, Thornton and Willis.

Mr. Heady from the committee appointed for that purpose, reported a bill to amend the act entitled, an act to incorporate a company to turnpike the road from Bardstown to Louisville, approved December 23d, 1831.

Which was read the first time, and ordered to be read a se-

The rule of the Senate, constitutional provision, and second read-

ing of the said bill having been dispensed with, it was referred to the committee of finance.

A bill from the House of Representatives, entitled, an act to establish the county of Marion, was read a third time as amended.

Resolved, That the said bill as amended do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of the said bill,

by Messrs. Willis and McDonald, were as follows, viz:

YEAS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Harris, Heady, McHenry, Murrell, Nuttall, H. Owsley, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young—19.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Grider, Griffith, Guthrie, James, McDonald,

W. Owsley, Southgate, Taylor, Thornton-17.

A bill from the House of Representatives, entitled, an act for the benefit of Henry Weddington, was taken up and placed in the orders of the day.

A message in writing received from the Governor, on yester-

day, was taken up and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, Henry Enders, to be commissioned Notary Public in and for the county of McCracken, to reside in the town of Paducah.

JOHN BREATHITT.

Frankfort, January 22, 1834.

Resolved, That the Senate advise and consent to the said appointment.

Ordered, That Mr. James inform the Governor thereof.

On the motion of Mr. Roberts,

Leave was given to bring in a bill to divorce Harriet W. Johnson, from her husband, Robert Johnson.

Ordered, That the committee of religion prepare and bring in

said bill.

A message in writing was received from the Governor, by Mr.

Sanders, Secretary of State.

The Speaker laid before the Senate, the annual report of the Board of Internal Improvements for Shelby county, which is as follows, viz:

To the Honorable the Legislature of Kentucky.

The Board of Internal Improvements for Shelby county, when their last annual report was made to your Honorable body, had under contract five miles and 174 roods of turnpike road, commencing at Shelbyville and extending eastwardly, which was opened for public use on the 17th day of January last. The whole cost of constructing this part of the road, including bridges, culverts and contingent expenses, amounted to the sum of \$25,690 16

cents. Of this sum \$1693 was paid for building a permanent covered bridge across Gist's creek, one hundred and fourteen feet in length; and \$1751 08 cents, for the building of a similar bridge, of the same length, across Clear creek at the east end of Shelbyville; making together the sum of \$3,444 08, for building permanent bridges. For grading, turnpiking, &c. including three small bridges and four culverts, which contained six hundred and one perch of masonry, they paid \$22,245 08 cents, making an average cost of \$12

54 cents per rood, or \$4012 80 cents per mile.

The distance, from the termination of the above five miles and 174 roods, to the Franklin county line, at Hardinsville, is about seven miles, all of which they put under contract early last spring; but the prevalence of the cholera and other causes, prevented the completion of it by the time the contractors had engaged to finish it. Three miles of these seven are now open and used by the public; and the work on the whole line is in such a state of forwardness, that the Board confidently anticipate the completion of the road to Hardinsville by the middle of June or the first of July next.—Their superintendent estimates the cost of constructing this part of the road at not more than \$4200 per mile, including bridges, culverts and contingent expenses.

At the two gates west of Shelbyville, in the last year, which commenced on the 22d of November, 1832, and ended on the 21st of November, 1833, there was received and due from persons who pay quarterly, tolls amounting to \$3,522 16\frac{2}{3} cents. Out of this sum they paid to two gate keepers, for their services one year, \$309, and for keeping ten miles of road in repair the same length of time, \$751 65 cents, making in all \$1060 65 cents for keeping the gates and repairing the road; which leaves a nett profit of \$2,461 51\frac{2}{3} cents; being within a very small fraction of six per cent on the cap-

ital expended in the construction of that part of the road.

The gate east of Shelbyville was erected on the 17th of January last, and on the 21st of November had been up ten months and three days. At that gate, the tolls collected and due up to that time, from persons who pay quarterly, amounted to \$1317 72 cents. Out of that sum they paid to the gate keeper and for keeing five miles and a half of road in repair ten months, and also an additional quantity of about three fourths of a mile from some time in September until the 21st of November, \$495 82 cents, leaving a nett profit of \$821 90 cents. The whole amount of profits for the year ending 21st November 1833, is \$3283 41\frac{1}{2}\$ cents, of which the state is entited to one half, or \$1641 70\frac{1}{2}\$ cents, being the owner of one half of the stock in the road.

By an act of the Legislature, approved December 23, 1831, the Board were authorised to apply the dividends on the stock of the state, in the Shelby turnpike, for the next two years commencing on the first of January, 1832, to the extension of the road, and re-

quired to enter an order on their books, increasing the number of shares belonging to the state, one share for each hundred dollars so applied; and they were also required to certify the same to the Auditor of public accounts, and to declare and pay dividends to the state, on the same, as on other stock. The dividends on the stock of the state have been applied as directed by said act.

All of which is respectfully reported.

J. N. LYLE, Chr. B. I. I.S. C.

Nov. 30th, 1833.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Com-

monwealth, Mr. James in the chair.

After some time spent in committee, the Speaker resumed the chair, and Mr. James reported that the committee had, according to order, had under consideration, a bill to declare and explain the law concerning conveyances, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table.

The said amendments were twice read and concurred in.

And then the Senate adjourned.

FRIDAY, JANUARY 24, 1834.

The Senate assembled.

The Speaker laid before the Senate proposals of Benjamin Hensley, for keeping the Penitentiary, which were received and referred

to the committee on the Penitentiary.

Mr. Daviess presented copies of depositions, taken to be read as evidence in a suit in chancery in the Mercer circuit court,—Harriet W. Johnson against Robert W. Johnson,—which depositions were referred to the committee of religion.

Mr. Clark presented four several petitions of the citizens of

Winchester, in relation to the boundaries of said town;

Which petitions were received and referred to the committee of

propositions and grievances.

Mr. Willis from the committee of courts of justice, reported a bill for the benefit of Sarah Blackford and the infant heirs of John Blackford.

Mr. W. Owsley from the same committee, reported bills of the following titles, viz:

2. A bill to amend an act, entitled an act to incorporate the

Trustees of the Augusta College, approved December 7th, 1822.

3. A bill providing for the sale of real estate in certain cases.

4. A bill to amend the charter of the Bank of Louisville.

5. A bill allowing George James Trotter a change of venue.
Which bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the third and second, and third reading of the first, fourth and fifth bills having been dispensed with; the fourth was ordered to be engrossed and read a third time to-morrow.

Resolved, That the first, fourth and fifth bills do pass, and that

the titles thereof be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred a bill to amend an act to incorporate the Louisville and Bonharbour Coal Company, reported the same with an amendment;

Which was twice read and concurred in: and the said bill was

ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. W. Owsley from the same committee, made the following re-

port, viz:

Resolved, That the petition of William C. Yates and Mary Montgomery, praying for the passage of a law authorising the sale of land belonging to the heirs of William P. Montgomery, deceased, be rejected.

Resolved, That the petition of the administrators of Abner Pollard, deceased, praying for the passage of a law authorising the sale

of the real estate of said decedent, be rejected.

Which resolutions were twice read and concurred in.

On the motion of Mr. W. Owsley,

The committee of courts of justice was discharged from the further consideration of a resolution requiring them to enquire into the propriety of compelling physicians to obtain diplomas before they practice: and the said committee was also discharged from the duty of preparing and bringing in a bill for the benefit of the devisees of Christian Spell, late of Louisville.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act to repeal so much of the act of 1798 as forfeits the estate of infant wards who marry against the will of their guardians, reported

the same with their opinion that it ought not to pass.

The said bill was laid on the table.

Mr. W. Owsley from the same committee to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Samuel Payne and the heirs and representatives of John Pattie, deceased, reported the same without amendment.

Ordered, That the said bills be read a third time.

Mr. W. Owsley from the same committee, to whom was referred a bill to amend the several acts to suppress the practice of duelling, reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time

to-morrow.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives entitled, an act for the benefit of the heirs and devisees of John Smith, deceased, reported the same with an amendment, which was twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

titles thereof be as aforesaid.

Mr. Wingate from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Campbell, reported the same without amendment.

Ordered, That the said bill be read a third time.

Mr. Wingate from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Polly Masters, reported the same without amendment.

Ordered, That the said bill be read a third time.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between Polly Masters and John Masters, her husband, be and the same is hereby dissolved, and the said Polly is restored to all the rights of an unmarried woman.

Mr. Conner moved to amend the said bill by adding thereto the

following engrossed clause, by way of ryder.

Be it further enacted, That the marriage contract between Samuel Rouse and Ruth Rouse, his wife, be and the same is hereby dissolved as to the said Samuel, and that the said Samuel Rouse be restored to all the privileges of an unmarried man.

And the question being taken thereon, it was decided in the ne-

gative, and so the said amendment was rejected.

The yeas and nays being required thereon by Messrs. W. Owsley

and Conner, were as follows, viz:

YEAS—Messrs. Beaseman, Conner, Cunningham, Harris, Heady, James, McDonald, McHenry, Nuttall, Roberts, Sisk, Southgate, Young—13.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey. Daviess, Dejarnatt, Dougherty, Gilbert, Grider, Griffith, Murrell, H. Owsley, W. Owsley, Parks, Prince, Taylor, Thornton, Willis, Wingate—22.

The question was then taken on the passage of the said bill, and it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. W. Ows-

ley and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Cunningham, Daviess, Dejarnatt, Griffith, Harris, Heady, James, McDonald, Murrell, Nuttall, Parks, Roberts, Sisk, Southgate, Willis, Young—17.

NAYS—Messrs. Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Dougherty, Gilbert, Grider, Guthrie, McHenry, H. Owsley,

W. Owsley, Prince, Taylor, Thornton, Wingate-18.

Mr. Wingate from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Milly Stockdale.
 An act for the benefit of Summerville Carey.
 An act for the benefit of Mathias Davis.

Reported the same without amendments, with their opinion that

the second and third bslls ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Southgate from the committee of internal improvements, to whom was referred a bill from the House of Representatives entitled, an act to establish a bridge at Falmouth, reported the same with an amendment.

Which was twice read and concurred in.

Ordered, that the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

On the motion of Mr. Cunningham-

The committe of propositions and grievances was discharged from the further consideration of the memorial of Willis Morgan, and it was referred to the committee of internal improvements.

A message was received from the House of Representatives, announcing the passage of bills and a resolution which originated in

that House of the following titles, viz:

An act to establish an election precinct in Shelby county.

An act to authorise the depositions of Judges to be taken in common law cases.

An act to establish a turnpike road company from Pikeville to the Virginia state line, at or near the head of Elkhorn.

An act for the benefit of the Grand Lodge of Kentucky. An act for the benefit of John A. and Charles A. Bailey.

An act to authorise the insertion of advertisemets in the "Record of the Times."

And a resolution to appropriate the room to the left hand of the entrance into the capitol, for the use of the Library.

The said resolution was twice read and concurred in.

The Senate, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the Com-

monwealth, Mr. Harris in the chair.

After some time spent in committee, the Speaker resumed the chair, and Mr. Harris reported that the committee had, according to order, had under consideration, a bill to establish the Bank of Kentucky, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again; which leave was granted.

And then the Senate adjourned.

SATURDAY, JANUARY 25, 1834.

Mr. Daviess moved the following resolution, viz:

Resolved, That the President of the Bank of the Commonwealth be requested to furnish the Senate with a statement of the number of agents employed by said Bank, what sum is paid to them respectively, how much each agent has collected and paid over within the last year past, how many directors are receiving pay for their services, and what is the sum by them received, and the services by them performed; what sum is paid to the officers of said Bank; how many clerks are in pay, and the sum received by each; what sum has been paid to attorneys at law for one year past, and state who they are; does it require all those officers to conduct the affairs of said Bank; cannot the services be rendered by the agents of said Bank for a less sum.

Which was twice read and adopted.

Mr. Guthrie from the committee of courts of justice, reported a bill to establish the Louisville chancery court,

Which was read the first time, and ordered to be read a second

time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

Ordered, That the public printer print one hundred and fifty

copies thereof for the use of the general assembly.

Mr. Wingate from the committee of religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Thomas Welch. An act for the benefit of Elizabeth Dick.

Reported the same with a recommendation that they ought not to pass.

And the question being taken on reading the said bills a third

time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Wingate from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Keziah Arnold, reported the same with a recommendation that it ought not to pass.

The said bill was laid on the table.

Mr. Wingate from the same committee, reported a bill for the benefit of Harriet Johnson.

Which was read the first time, and ordered to be read a second time.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act to authorise the Trustees of the Town of Frankfort to obtain loans of money.

An act to establish an election precinct in the county of Union.

An act to provide for the improvement of the road from Frank-

lin county to Crab Orchard in Lincoln county.

That they had passed a bill which originated in the Senate entited, an act supplementary to an act entitled, an act to remove the obstructions to navigation at the falls of Green river, and for other purposes, approved, February 2d, 1833.

That they had received official information that the Governor did, on the 23d instant, approve and sign enrolled bills which ori-

ginated in that House of the following titles, viz:

An act for the benefit of the heirs of Samuel Allison, deceased. An act to authorise Fleming Jones to build a mill dam across the south fork of little Barren river.

An act for the benefit of Alfred Bowren.

Mr. Griffith from the committee of internal improvements, to whom was referred a bill to encourage the manufacture of Queensware, reported the same without amendment.

Ordered, That said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Grider from the committee to whom was referred, a bill to improve the navigation of Cumberland river, reported the same with an amendment, which was twice read and concurred in.

The said bill was referred to the committee of finance.

Mr. Taylor from the committee of finance to whom was referred bills of the following titles, viz:

A bill to improve the South Fork of the Kentucky river from its junction with the North Fork to Goose Creek salt works.

A bill to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorise a turnpike gate thereon, approved, January 15, 1831, reported the same without amendment.

The said bills were then amended, and ordered to be engrossed

and read a third time; the first on Monday next.

The rule of the Senate, constitutional provision, and third reading of the latter bill, having been dispensed with, and the same being engrossed,

Resolved. That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Taylor from the same committee to whom was referred, a bill to appropriate some of the vacant lands of this state to the improvement of the public highways thereof, reported the same with an amendment,

Which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Prince from the committee of enrollments, reported that the committee had examined an enrolled bill, entitled, an act to establish the county of Marion; and had found the same truly enrolled; that it had been signed by the Speaker of the House of Representatives.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee, to be presented

to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had performed that duty.

Mr. Taylor from the committee of finance, reported a bill for the

benefit of the Lexington and Ohio Rail Road Company.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, ti was referred to the committee of courts of justice.

Ordered, That the public printer print one hundred and fifty co-

pies of said bill, for the use of the general assembly.

On the motion of Mr. Guthrie-

The committee of the whole was discharged from the further consideration of the following bills, viz:

A bill to establish the Bank of Kentucky. A bill to incorporate the Bank of Maysville.

And said bills were placed first in the orders of the day.

On the motion of Mr. Guthrie, who voted in the majority, the vote was reconsidered disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Elizabeth Dicks; and the said bill was recommitted to the committee of religion.

On the motion of Mr. Dougherty, who voted in the majority, the vote was reconsidered, disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of Polly Masters.

On the motion of Mr. Willis, who voted in the majority, the vote was reconsidered, rejecting the amendment offered on yesterday by Mr. Conner to said bill, by way of an engrossed ryder.

The question being again taken on adopting said amendment, it

was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Brown and Conner, were as follows, viz:

YEAS—Messrs. Beaseman, Conner, Cunningham, Daviess, Griffith, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, Parks, Prince, Roberts, Sisk, Southgate, Willis, Young—19.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Dejarnatt, Dougherty, Gilbert, Grider, Guthrie, H. Owsley, W. Owsley, Taylor, Tornton, Wingate—17.

The question was then taken on the passage of the said bill, as amended, and it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Wingate

and Willis, were as follows, viz:

YEAS—Messis. Beaseman, Conner, Cunningham, Daviess, Harris, Heady, James, McHenry, Murrell, Nuttall, Parks, Roberts, Sisk, Southgate, Willis, Young—16.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Dejarnatt, Gilbert, Grider, Griffith, Guthrie, McDonald, H.Owsley, W. Owsley, Prince, Taylor, Thornton, Wingate—19.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Prince—I. A bill to incorporate a Dock Company at Smithland.

By Mr. Dougherty—2. A bill allowing an additional constable to the county of Gallatin.

By Mr. Dougherty—3. A bill to establish a state road from Frankfort to Kink's ferry, on the Ohio river, by way of New Castle.

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the second bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

The rule of the Senate, constitutional provision, and second reading of the third bill having been dispensed with, it was referred to the committee of internal improvements.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Thornton—1. A bill for the benefit of Prudence Hall.

On the motion of Mr. Willis—2. A bill to improve the stage road over Muldrow's hill from Lexington to Nashville.

On the motion of Mr. Beaseman-3. A bill to amend the road

laws of this Commonwealth.

On the motion of Mr. Heady—4. A bill to amend an act, entitled an act to establish a road from Taylorsville, in Spencer county, to Jeffersontown, in Jefferson county, and for other purposes, approved January 31, 1833.

On the motion of Mr. Southgate—5. A bill for the benefit of the heirs and legal representatives of James G. Lindsay, deceased.

On the motion of Mr. H. Owsley—6. A bill for the benefit of John H. Slaughter.

On the motion of Mr. Sisk—7. A bill for the benefit of Lott Segars.
On the motion of Mr. Murrell—8. A bill to incorporate the Blue
Spring Seminary in Barren county.

On the motion of Mr. McDonald—9. A bill to establish a bridge across the Beech fork, at the mouth of Pleasant Run, in Washing-

On the motion of Mr. Roberts—10. A bill to amend the act to incorporate the Rolling Fork Bridge Company, approved Decem-

ber 2d, 1833, and for other purposes.

On the motion of Mr. Harris—11. A bill to provide for repairing the state road leading from Prestonsburg, by way of Pikeville to the Virginia line.

On the motion of Mr. Heady—12. A bill to appropriate some of the vacant lands in this Commonwealth to aid in the erection of Seminaries of learning in the counties of Spencer and Laurel.

On the motion of Mr. Southgate—13. A bill amendatory of the general acts relating to the town of Newport, in Campbell county.

The committee on religion were directed to prepare and bring in the first; Messrs. Willis, McDonald, Daviess, Murrell, Coffey, Roberts and Griffith, were appointed a committee to prepare and bring in the second; Messrs. Beaseman, Thornton and Chinn, the third; Messrs. Heady, Guthrie and Roberts, the fourth; Messrs. Southgate, Wingate and Taylor, the fifth; Messrs. H. Owsley, Gilbert and Coffey, the sixth; Messrs. Sisk, Willis and James, the seventh; Messrs. Murrell, Brown and Grider, the eighth; Messrs. McDonald, Daviess and Heady, the ninth; Messrs. Roberts, Grider, Heady and Guthrie, the tenth; Messrs. Harris, Young and Willis, the eleventh; Messrs. Heady, H. Owsley and Conner, the twelfth; Messrs. Southgate, Taylor and W. Owsley, the thirteenth.

On the motion of Mr. Parks,

Resolved, That the committee on internal improvements inquire into the expediency and necessity of an appropriation being made towards grading and improving the state road passing through Carlisle, Flemingsburg, Clarksburg and Greenupsburg, which meets the Virginia turnpike road at the mouh of Big Sandy river, and make report by bill or otherwise.

Mr. Roberts from the committee to whom was referred a bill from the House of Representatives entitled, an act to prevent the sale of growing crops, reported the same with an amendment,

Which was twice read and concurred in.

A bill from the House of Representatives, entitled, an act to provide for the improvement of the road from Franklin county, to Crab Orchard, in Lincoln county,

Was read the first time and ordered to be read a second time. The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of internal improvements.

A bill from the House of Representatives, entitled, an act for the benefit of the clerk of the Calloway county court, was taken up,

and recommitted to the committee of courts of justice.

An engrossed bill entitled, an act to provide for the payment of private property taken for public purposes, was taken up and recommitted to the committee for courts of justice.

On the motion of Mr. Daviess-

Resolved, That the committee of courts of justice inquire into the expediency of amending the law in relation to granting divorces, so as to embrace cases of hardship not provided for by the general law.

And then the Senate adjourned.

MONDAY, JANUARY 27, 1834.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act to improve the navigation of Big Sandy river.

An act for the benefit of Reuben Kemp. An act for the benefit of Amanda Eoff.

An act to divorce Lavina Off.

An act for the benefit of Elizabeth Miller.

An act to authorise the subscription of stock on the part of the state in the Louisville and Bardstown turnpike road Company.

The first and last of said bills were read the first time, and ordered to be read a the econd time.

The rule of the Senate, constitutional provision, and second reading thereof having been dispensed with, they were referred to the committee of internal improvements.

A message was received from the House of Representatives,

announcing that they had received official information,

That the Governor did, on the 24th instant, approve and sign enrolled bills, which originated in that House, of the following titles viz:

An act to repeal an act entitled, an act to authorise the sale of Lebanon meeting-house, in the county of Todd, approved December 15, 1832.

An act for the benefit of Robert Sanders.

An act for the benefit of the heirs of James Speed.

An act to establish an election precinct in Graves county.

An act to establish an election precinct at the house of Benjamin Hale, on Troublesome creek in Perry county.

An act for the benefit of Wm. M. Lane.

An act to add a part of the county of Knox to the county of Laurel.

An act to abolish certain election precincts in the county of Pike, and for other purposes.

An act to authorise the county court of Wayne to sell a small piece of ground, and for other purposes.

An act for the benefit of Elijah Barnes.

An act to authorise the Board of internal improvement for Shelby county, to erect a toll gate.

An act to change the bounds and place of voting in an election

precinct in Bracken county.

An act to incorporate the Orphan Society of Lexington.

An act to authorise the erection of a new jail in Clarke county,

and for other purposes.

An act allowing William McHargue of Laurel county to erect a gate across the road leading from the salt works to Whitley county, and for other purposes.

An act to change the place of voting in election precincts in

the counties of Hancock and Nelson.

An act to amend an act entitled an act to establish a road from Louisville to the state line, in a direction to Knoxville, approved January 22d, 1833.

An act for the benefit of the town of Colemansville.

An act to establish the town of the Stamping Ground, in Scott

county.

An act to appropriate certain vacant lands to the improvement of the public roads in the counties of Monroe, Allen and Cumberland.

And on the same day, a joint resolution of the following title: "A resolution appointing a joint committee to examine the Re-

gister's office."

And that the House of Representatives had concurred in the amendments proposed by the Senate, to a bill from that House entitled, an act appropriating a portion of the public lands in the district of country west of the Tennessee river, for the purpose of education, or of making certain improvements in said district, and for other purposes.

An act appropriating land for improving certain roads in Harlan

county.

And that they had passed bills, which originated in that House, of the following titles, viz:

An act to incorporate the Richmond and Lexington Turnpike

Road Company.

An act to incorporate a company to construct a turnpike road from Covington, through Williamstown and Georgetown. to Lex-

ington, in Fayette county.

An act supplementary to an act, entitled, an act to appropriate a sum of money for the purpose of improving the navigation of the Cumberland river at Smith's Shoals, and the Big South Fork of said river up to the Coal Banks, approved February 2d, 1833.

On the motion of Mr. Willis,

Resolved, That the Doorkeeper of the Senate, immediately after the adjournment upon this day, examine the plastering over head in the Senate chamber, and ascertain if it be in danger of falling,

and if so, to cause it to be removed.

Mr. Prince from the committee of enrollments, reported that the committee had examined an enrolled bill, entitled, an act supplementary to an act entitled an act to remove the obstruction to navigation at the Falls of Green river, and for other purposes, approved 2d February, 1833.

And had found the same truly enrolled; that the Speaker of the

House of Representatives had signed the same.

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Prince reported that the committee had

performed that duty.

Soon after, a message was received from the Governor, by Mr. Sanders, Secretary of State, announcing, that the Governor had

approved and signed said bill.

Mr. Chinn from the committee of courts of justice, to whom was referred an engrossed bill, entitled, an act to provide for the payment of private property taken for public purposes, reported the same without amendment.

The said bill was placed in the orders of the day: and the public

printer ordered to print one hundred and fifty copies thereof, for the use of the general assembly.

A bill to establish the Bank of Kentucky, was taken up.

A part of the second section reads thus:

"That the said Bank shall have and keep its principal office of discount and deposite in the city of Louisville, and it may not have more than six offices of discount and deposite in other parts of this state.

Mr. Thornton moved to amend the same by striking out Louis-

ville, and inserting in lieu thereof Lexington.

Mr. Gholson called for a division of the question.

And the question being taken on striking out Louisville, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and

Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Brown, Chinn, Clark, Coffey, Conner, Gholson, Gilbert, H. Owsley, W. Owsley, Thornton, Win-

gate, Young-14.

NAYS—Messrs. Boyd, Bramlette, Cunningham, Daviess, Dejarnatt, Dougherty, Grider, Griffith, Guthrie, Harris, Heady, James, McDonald, Murrell, Nuttall, Parks, Prince, Sisk, Southgate, Taylor, Willis—21.

A part of the fourth section of the said bill is as follows, viz:

That said Bank shall not at any time owe, whether by bond, bill, note or other contract, an amount exceeding twice the amount of the capital stock actually paid in, exclusive of sums due on deposite.

Mr. thornton moved to amend the same by striking out the word

wice.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and

Thornton, were as follows, viz:

YEAS—Messis. Bibb, Boyd, Brown, Clark, Gholson, Gilbert, Grider, Murrell, H. Owsley, W. Owsley, Sisk, Thornton—12.

NAYS—Messrs. Beaseman, Bramlette, Chinn, Coffey, Conner, Daviess, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, Heady, James, McDonald, McHenry, Nuttall, Parks, Prince, Southgate, Taylor, Willis, Wingate, Young—23.

And then the Senate adjourned.

TUESDAY, JANUARY 28, 1834.

The Senate assembled.

Mr. Willis presented the petition of John T. Evans, praying a divorce from his wife, Nancy Evans.

Which was received and referred to the committee of religion. A message was received from the House of Representatives, announcing the passage of a bill which originated in the Senate, entitled, an act respecting the 4th section of an act entitled an act to change the time of holding certain courts in the 7th judicial district, approved January 25, 1827: and that they had concurred in the amendments proposed by the Senate to bills which originated in that House, of the following titles, viz:

An act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purpose of education, or of making certain improvements in said district, and for other purposes.

An act for the benefit of the heirs and devisees of John Smith, deceased.

An act to incorporate a bridge company at Falmouth.

An act for the benefit of Isaiah Miller.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act to improve certain public roads in Lewis county.

An act to build a bridge across Jelico river in Whitley county.

An act appropriating land for improving certain roads in Harlan county.

An act to amend acts concerning the town of Shepherdsville.

That they had passed bills which originated in that House, of the following titles, viz:

An act to reduce into one the several acts constituting boards of internal improvements for Shelby and Franklin counties.

An act to amend the law concerning alimony.

An act for the benefit of the heirs of John Gray, deceased. An act to establish the Shelbyville Library Company.

An act to regulate the terms of certain circuit courts, and for other purposes.

An act to amend an act, entitled an act to establish a state road from Berry's ferry on the Ohio river to Salem, and from Madisonville to Salem, approved January 22d, 1830.

An act giving further time to Sheriffs in this Commonwealth to file their delinquent lists.

An act for the benefit of Simon, a negro man slave of Charles Roseberry.

An act concerning free persons of color in this Commonwealth.

An act to repeal the 4th section of an act, entitled an act further to regulate the Wilderness Turnpike road, approved the 11th

January, 1830, and to provide for the appointment of overseers on

said road, and for other purposes.

An act to amend in part and repeal in part, an act to incorporate a company to establish a turnpike road from the city of Louisville, by way of the Mouth of Salt River, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville.

An act to incorporate the Bowlinggreen Female Academy.
An act to incorporate the Danville, Lancaster and Nicholasville
Turnpike road Company.

The last mentioned bill was read the first time and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of internal improvements.

Bills from the House of Representatives of the following titles. viz. An act to change the venue in the cases of Thomas and P. S.

Outten.

An act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith's Shoals, and the Big South Fork of said river up to the Coal Banks, approved February 2d, 1833.

An act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lex-

ing'on in Fayette county.

Were severally read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second reading of the said bills, having been dispensed with; the first was referred to the committee of courts of justice; the second, to the committee of finance; and the third, to the committee of internal improvements.

An engrossed bill entitled, an act to encourage the publication of a new digest of the Statute Law of Kentucky, was recommitted

to the committee of courts of justice.

A resolution from the House of Representatives, appointing a committee to digest the militia laws of this state, was referred to the committee of courts of justice.

Leave was given to bring in the following bills, viz:

On the motion of Mr. W. Owsley-1. A bill to amend the law in relation to the erection of a bridge across Rockcastle river.

On the motion of Mr. Brown—2. A bill for the benefit of the widow and heirs of James Tutt, deceased.

On the motion of Mr. James—3. A bill for the benefit of Nelson White and others.

On the motion of Mr. Southgate—4. A bill concerning the town of Alexandria, in Campbell county.

5. A bill authorising the erection of a bridge across Main Lick-

ing river, at or near its junction with the Ohio river.

The committee of courts of justice was directed to prepare and bring in the first and second; Messrs. James, Prince and Griffith, the third; and Messrs. Southgate, Chinn and Thornton, the fourth and fifth.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Brown from the committee on the Penitentiary—I. A bill appointing a keeper of the Penitentiary, and for other purposes. By Mr. Willis—2. A bill to improve the stage road over Mul-

drow's hill, from Lexington to Nashville.

By Mr. Clark from the committee of internal improvements—3. A bill to improve the road from Carlisle, Flemingsburg, &c. to the mouth of Big Sandy river.

By Mr. H. Owsley--4. A bill for the benefit of John H. Slaugh-

ter.

By Mr. Coffey—5. A bill to amend the law authorising William and Edward Trabue to build a mill dam rcross Green River.

By Mr. Bibb--6. A bill changing the time of holding the Logan

county court.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills, except the sixth, having been dispensed with, the first and fifth were referred to the committee of courts of justice; the second, to the committee of internal improvements; and the third and fourth, to the committee of finance.

The rule of the Senate, constitutional provision, and second and third readings of the sixth bill, having been dispensed with, and

the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Guthrie from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of the clerk of the Calloway county court, reported the same with amendments,

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. Clark from the committee of internal improvements, to whom was referred, bills from the House of Representatives of the following titles, viz:

An act to provide for the improvement of the road from Franklin

county to Crab Orchard, in Lincoln county.

An act to authorise the subscription of stock on the part of the state in the Louisville and Bardstown turnpike road Company.

An act to improve the navigation of Big Sandy river.

Reported the same without amendment, with the opinion of the committee, that they ought to pass.

Ordered, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, they were referred to the committee of finance.

Mr. Brown from the committee of internal improvements, to whom was referred a bill to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles, reported the same with an amendment,

Which was twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, it was referred to the committee of finance.

On the motion of Mr. James-

Resolved, That the committee on internal improvements be instructed to enquire into the expediency and propriety of appropriating a portion of the proceeds of the sales of the vacant lands west of the Tennessee river, for the improvement of the public highways, and removing the obstructions out of some of the most important navigable streams in said district of country.

On the motion of Mr. Clark--

The vote disagreeing to the bill from the House of Representatives, entitled, an act to change the name of Wesley Blake, was reconsidered, and a message was sent to the House of Representatives, requesting leave to withdraw the report of the said bill.

The said bill having been returned to the Senate, it was placed

in the orders of the day.

The Speaker laid before the Senate, the following communication from the President of the Bank of the Commonwealth, viz:

Bank of the Commonwealth, January 28, 1834.

Sir:—In obedience to a resolution of the Senate of the 25th instant, I have the honor to communicate the enclosed statement, shewing the number of Agents employed by the Bank; the compensation allowed to them respectively; and the amount collected and paid over by each Agent within the last year; the number of Directors receiving pay for their services, and the amount received by them; the sum paid to the officers of the Bank; the number of Clerks, and their compensation.—Also, the amount paid to Attorneys at law for one year past, with their names.

The largest of these are of several years standing, and with few exceptions, in contested cases, are such fees as the law allows for bringing suits, and will, in most cases, be re-imbursed to the Bank.

The services performed by the Board of Directors, are such as a general supervision and control of all the business of the Bank.

Under the provisions of the act for the withdrawal of the branches, approved 29th January, 1830, twelve agents were appointed, whose compensation amounted to the sum of \$3000, and so continued until the 1st day of December, 1832, when their number was reduced to seven,

and their pay to \$4,900.

The design of the Legislature in the appointment of Agents, seems to have been two-fold. In the first place, the security of the debts and their ultimate collection were considerations paramount to all others; and secondly, facilities were to be afforded to the debtors by which they might be enabled to renew and pay off their notes with the least possible inconvenience to themselves. This is the policy that has been pursued by the Bank, and in curtailing the expenses, I would respectfully recommend that it be done in the amount of compensation, rather than in the number of Agents employed.

The debts due the Bank are now more than four thousand in number, and the greater portion of them will have to be collected by the process of law. Their history is better known to those familiar with them, than it can be in the very nature of things, by an examination of the books.

Most of the large debts are now in suit; they have, therefore, and will still continue to require the untiring attention of one or more of the officers of the Bank. The costs and expenses incident to their collection have been paid, which will be refunded to the Bank, and which, if added to the arrearages of interest due, would make the profits much greater than they appear in the last report.

I feel authorised in saying that the officers and Agents of the Bank are duly sensible of the high obligations they are under to the Legislature, and that they will cheerfully unite in carrying into effect such measures as may be deemed best for winding up the affairs of the Bank,

in the most speedy and economical manner.

Very respectfully, Sir,
Your obedient servant,
H. WINGATE, President.

HON. JAMES T. MOREHEAD.

In obedience to a Resolution, adopted by the Senate on the 25th instant, the following statements in answer thereto, are respectfully submitted.

Districts.	Name of agent.	Salary per ann.	over by agt fr. Nov. 1832, to Nov. 1833.
Bowlinggreen and Princeton,	Richard Curd,	\$ 900	\$ 16,668 07
Flemingsburg and Mountsterling,	Benj. F. Thomas,	650	7,136 08
Falmouth and Lexington,	Tho. H. Pindell,	800	12,628 89
Greensburg and Somerset,	E. C. Faris,	900	10,993 12
Harrodsburg,	S. H. Anderson,	500	21,181 98
Hartford and Louisville,	Lemuel Loughery,	900	20,802 72
Winchester,	Peter Flanigan,	250	8,694 82
a of the - Mark to the good of		\$4,900	\$98,105 68

Amount paid Attorneys from the 30th November 1832, to the 30th Nov	1833.
Amount paid Attorneys from the Soute stole moet 1905, to the soute stole	\$115
To H. Warfield, deceased, for fees and tax,	. 35
"R. A. Buckner, Jr.	10
"B. M. Crenshaw,	15
"William Allen, Benjamin Hardin—fee in Supreme Court of the United States, in the ca	se
of Briscoe and others vs. the Bank of Commonwealth—in specie \$20	0,
equal to in Commonwealth's paper,	228 57
"Anderson & Worthington,	. 67 50
"S. H. Anderson, · · · · · · · ·	257 25
" Edward Rumsey,	10
" John H. McHenry,	. 60
" John Calhoun,	· 30
"A. H. Churchill,	47 40
"William Conway,	. 60 88
" Charlton Hunt,	. 93 17
"Richard Pindell, Jr.	10
"John M. McConnell,	. 8
"Richard Apperson, "Richard Appe	7
"R. H. Menefee, "James Trimble,	25
"I. Hart,	10
"J. L. Ballenger,	17 50
" Francis Ballenger,	. 20
46 Legarh I Faris	50
"James Love—for five years services, previous to the withdrawal of the	ie
Branches	250
"Samuel Hanson—for five years services, previous to the withdrawal of the	904 65
Branches, and including tax upon writs,	. 22 50
" Garret Davis,	100
"George W. Johnston,	100
	\$2,539 92
	—
Officers of the Bank and their salaries respectively.	
President per annum,	\$750 00
Cashier, do · · · · · · · · · · · · · · · · · ·	1,000 00
1st Clerk, do	1,000 00
2d Clerk, do · · · · · · · · · · · · · · · · · ·	500 00
Four Directors—accounts not liquidated for the present year—but this su	III.
has been paid them the present year, for their services for the previo	348 00
year—1832.	040 00
	\$3,598 00
	—
	AND THE REAL PROPERTY.

Ordered, That the said communication be referred to the committee appointed to prepare and bring in a bill on the same subject, and that the public printer print one hundred and fifty copies there-

of, for the use of the general assembly.

Mr. Clark presented the petition of Charles C. Moore, praying to be exonerated from the penalties of a bond given by him, in the year 1818, as captain of a Light Infantry company in the 36th Regiment of Kentucky Militia, for the delivery, when called on, of fifty stand of public arms, furnished said company, which arms he delivered to his successor;

Which petition was received and referred to the committee of

propositions and grievances.

The Senate resumed the consideration of a bill to establish the Bank of Kentucky.

The eleventh section of the said bill was amended to read as

follows, viz:

§ 11. The President and Directors of the principal Bank shall have power and authority, and it shall be their duty, to establish not less than four, nor more than six branches; and they shall establish one branch at some suitable place south of Green river; and one branch at some suitable place between Green and the Kentucky rivers; and two branches at some suitable places on the north of the Kentucky river, so soon as the sale of the stock will justify their doing so; and a fifth branch to be located and continued at the seat of government, unless the legislature shall otherwise direct, to aid in the management of the fiscal affairs of the state; and the sixth branch at such time and place as the President and directors may designate. The amount of capital which shall be employed at the principal bank and at the several branches, shall be under the control of the president and directors of the principal bank, so as to employ the same most advantageously to the stockholders and the community; and the right of the president and directors of the principal bank to withdraw a branch which shall have been mismanaged, or shall have proved unproductive, shall be unquestionable: Provided, That not more than two millions of the capital stock shall be employed at the principal bank without the sanction of the Legislature.

Mr. Chinn moved to amend the the said bill by striking out the

said section and inserting in lieu thereof the following, viz:

There shall be a branch of the said bank located in the city of Lexington, with a capital of one million two hundred and fifty thousand dollars. Another branch of said bank shall be located at Maysville, with a capital of seven hundred and fifty thousand dollars. Another branch of said bank shall be located at Frankfort, with a capital of five hundred thousand dollars. Another branch of said bank shall be located at Russellsville, with a capital of five hundred thousand dollars. Another branch of said bank shall be located at Harrodsburg, with a capital of five hundred thousand dollars. And said branches shall go into operation simultaneously with the principal bank, and there shall be reserved to the principal bank a capital of one million five hundred thousand dollars. And the Legislature reserves to itself the power of changing the location of any such branch in the event there should be a mismanagement thereof.

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Chinn and Parks, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Chinn, Conner, Cunningham, Daviess, Gilbert, H. Owsley, W. Owsley—10.

NAYS—Messrs. Beaseman, Bramlette, Clark, Coffey, Dejarnatt, Dougherty, Gholson, Grider, Griffith, Guthrie, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, Parks, Prince, Sisk, Southgate, Taylor, Thornton, Willis, Wingate, Young—26.

Mr. Chinn then moved to amend the said section, substituting

therefor the following, viz:

There shall be established a branch of said bank at — with a capital of \$ —, and another branch at — with a capital of \$ —, and another branch at — with a capital of \$ —, and another branch at — with a capital of \$ —, and another branch at — with a capital of \$ —, and the legislature reserves to itself the power of discontinuing any of said branches and selecting another place or places for their locality, in case of the mismanagement of any of said branches. And said branches shall go into operation simultaneously with the principal Bank.

And the question being taken on adopting the said amendment, it

was decided in the negative.

The yeas and nays being required thereon by Messrs. Chinn and

Parks, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Conner, Cunningham, Gholson, Gilbert, James, McHenry, Murrell, H. Owsley, W. Owsley, Southgate, Wingate, Young—17.

NAYS—Messrs. Bramlette, Clark, Coffey, Daviess, Dejarnatt, Dougherty, Grider, Griffith, Guthrie, Harris, Heady, McDonald, Nuttall, Parks, Prince, Sisk, Taylor, Tornton, Willis—19.

Mr. Thornton moved to amend the said section by adding thereto

the following proviso, viz:

Provided, That one of said branches required to be located on the north side of Kentucky river, shall be located at Paris, in Bourbon county.

The question being taken on adopting the said amendment, it was

decided in the negative.

The yeas and nays being required thereon by Messrs. Thornton and Conner, were as follows, viz:

YEAS-Messrs. Beaseman, Conner, Cunningham, H. Owsley,

Thornton, Young—6.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Griffith, Guthrie, Heady, James, McDonald, McHenry, Murrell, Nuttall, W. Owsley, Parks, Prince, Sisk, Southgate, Taylor, Willis, Wingate—28.

Mr. W. Owsley moved to amend the said section by substituting

therefor, the following, viz:

And the question being taken on the adopting the said amend-

ment, it was decided in the negative.

The year and nays being required thereon by Messrs. W. Ows-

lev and Chinn, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Chinn, Coffey, Cunningham, Gholson, Gilbert, McHenry, Murrell, H. Owsley, W. Owsley, Southgate, Thornton, Wingate—15.

NAYS—Messrs. Beaseman, Bramlette, Clark, Conner, Daviess, Dejarnatt, Dougherty, Grider, Guthrie, Harris, Heady, James, McDonald, Nuttall, Parks, Prince, Sisk, Taylor, Willis, Young—20.

Mr. Thornton then moved to amend the said section by adding

thereto the following proviso, viz:

Provided, That not more than one third of the capital subscribed and paid shall be used at Louisville, until the whole stock be subscribed and paid in.

And the question being taken on adopting the said amendment,

it was decided in the negative.

The yeas and nays being required thereon by Messrs. Thornton

and Murrell, were as follows, viz:
YEAS—Messrs. Brown, Chinn, Clark, Gholson, Gilbert, Griffith,

McHenry, H. Owsley, W. Owsley, Thornton-10.

NAYS—Messrs. Beaseman, Boyd, Bramlette, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Dougherty, Grider, Guthrie, Harris, Heady, James, McDonald, Murrell, Nuttall, Parks, Prince, Sisk, Southgate, Taylor, Willis, Wingate, Young—25.

Mr. Grider moved to amend the said section, by adding thereto

the following proviso, viz:

And provided further, That a larger amount of capital stock paid in at any time shall not be retained in the mother bank, than in the proportion of two millions to five.

The question being taken on adopting the said amendment, it

was decided in the negative.

The yeas and nays being required thereon by Messrs. Chinn and

Murrell, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Chinn, Clark, Cunningham, Gholson, Gilbert, Grider, Griffith, McHenry, Murrell, H. Owsley, W. Owsley, Thornton—14.

NAYS—Messrs. Beaseman, Boyd, Bramlette, Coffey, Conner, Daviess, Dejarnatt, Dougherty, Guthrie, Harris, Heady, James, McDonald, Nuttall, Parks, Prince, Sisk, Southgate, Taylor, Willis, Wingate, Young—22.

And then the Senate adjourned.

WEDNESDAY, JANUARY 29, 1834.

The Senate assembled.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred a bill to amend the law authorising William and Edward Trabue to build a mill dam across Green River, reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time

to-morrow.

Mr. W. Owsley from the same committee, to whom was referred an engrossed bill, entitled, an act to encourage the publication of a new digest of the Statute Law of Kentucky, reported the same without amendment.

And the question being taken on the passage of the said bill, it

was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess and

Murrell, were as follows, viz:

YEAS—Messis. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Dougherty, Gholson, Gilbert, Grider, Guthrie, Harris, Heady, James, McDonald, McHenry, Nuttall, H. Owsley, W. Owsley, Parks, Sisk, Southgate, Taylor, Thornton, Willis, Wingate—28.

NAYS-Messrs. Beaseman, Cunningham, Daviess, Dejarnatt,

Murrell, Prince, Young-7.

Resolved, That the title of the said bill be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred a resolution from the House of Representatives appointing a committee to digest the militia laws of this state, reported the same without amendment.

Resolved, That the said resolution be concurred in.

Mr. Daviess from the committee of propositions and grievances,

made the following report, viz:

The committee of propositions and grievances have, according to order, had under consideration the petition of Charles C. Moore, praying to be exonerated from the penalties of a bond given by him in the year 1818, as captain of a light infantry company in the 36th regiment of Kentucky militia, for the delivery, when called on, of fifty stand of public arms furnished said company, which

arms he delivered to his successor; and have come to the following resolution, viz:

Resolved, That said petition is reasonable. Which was twice read and concurred in.

Ordered, That the committee of propositions and grievances pre-

pare and bring in a bill pursuant thereto.

Mr. Wingate from the committee of religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Bennet B. Jones, reported the same with the following resolution thereon, viz:

Resolved, That the said bill ought not to pass.

Which was concurred in, and so the said bill was disagreed to.

Mr. Wingate from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Elizabeth Dick, reported the same, with a resolution that it ought not to pass.

The question being taken on reading the said bill a third time,

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Thornton

and Boyd, were as follows, viz:

YEAS—Messrs. Boyd, Bramlette, Clark, Conner, Cunningham, Daviess, Dejarnatt, Grider, Griffith, Harris, Heady, James, McDonald, McHenry, Nuttall, Sisk, Southgate, Willis, Young—19.

NAYS—Messrs. Bibb, Brown, Chinn, Coffey, Dougherty, Guthrie, Murrell, W. Owsley, Prince, Taylor, Thornton, Wingate—12.

On the motion of Mr. Wingate—The committee of religion was discharged from the duty of preparing and bringing in a bill for the benefit of Prudence Hall.

On the motion of Mr. Taylor-

Leave was given to bring in a bill to protect the interests and property of turnpike road and bridge companies: and the committee of courts of justice was directed to prepare and bring in said bill.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Southgate-1. A bill for the benefit of the heirs and le-

gal representatives of James G. Lindsey, deceased.

By Mr. Heady—2. A bill to amend the act entitled an act providing for the opening of a road from Taylorsville in Spencer county, to Jeffersontown in Jefferson county, and for other purposes, approved, January 31, 1833.

By Mr. Murrell-3. A bill to incorporate the Blue Spring Sem-

inary in Barren county.

By Mr. Dougherty—4. A bill to appoint an additional justice of the peace in Gallatin county. By Mr. Gilbert—5. A bill repealing the law authorising the people of Rock Castle and Laurel counties to pass the turnpike and Wilderness road without paying toll.

Which were severally read the first time, and ordered to be read

a second time.

The rule of the Senate, constitutional provision, and second reading of the first, fourth and fifth bills, having been dispensed with, they were referred; the first and fourth, to the committee of courts of justice; and the fifth, to the committee of internal improvements.

The rule of the Senate, constitutional provision, and second and third readings of the second and third bills, having been dispensed

with, and the same being engrossed:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives of the following titles, viz:

1. An act to incorporate the Richmond and Lexington Turn-pike Company.

2. An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

3. An act for the benefit of Augusta College.

Were severally read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second reading of the said bills, having been dispensed with, they were referred; the first, to the committee of internal improvements; the second, to the committee of finance; the third, to the committee of courts of justice.

Mr. Southgate from the committee, to whom was referred a bill from the House of Representatives entitled, an act to repeal an act, approved January 14, 1833, entitled, an act to authorise the Trustees of the New Port Seminary to sell their donation lands, and for

other purposes; reported the same with amendments:

Which were twice read and concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

The joint resolution read and laid on the table by Mr. Grider, on the 17th instant, was taken up; twice read and concurred in.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

The Senate resumed the consideration of a bill to establish the Bank of Kentucky.

The sixteenth section of the said bill was amended to read as follows, viz:

§ 16. That it shall be the duty of the Cashier of the principal Bank, on the first day of July 1836, and on the first day of July in each succeeding year, during the continuance of this charter, to pay to the Treasury of this Commonwealth, twenty-five cents on each one hundred dollars of stock held and paid for in said Bank, which shall be in full of all tax or bonus: Provided, That the Legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents in each one hundred dollars of stock paid for in said Bank.

Mr. W. Owsley moved to amend the said section by striking out

the words twenty-five, printed in italics.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. Ows-

ley and Guthrie, were as follows, viz:

YEAS—Messrs. Bibb, Chinn, Clark, Gholson, Gilbert, Grider, Griffith, Murrell, W. Owsley, Southgate, Thornton, Willis—12.

NAYS—Messrs. Beaseman, Boyd, Bramlette, Brown, Coffey, Conner, Daviess, Dejarnatt, Dougherty, Guthrie, Heady, James, McDonald, McHenry, Nuttall, Parks, Prince, Sisk, Taylor, Wingate, Young—21.

Mr. Chinn moved to amend the said section by substituting there-

for the following viz:

It shall be the duty of the Cashier of the principal Bank, on the first day of July, 1836, and on the first day of July in each succeeding year, during the continuance of this charter, to pay into the Treasury of the Commonwealth, thirty cents on each hundred dollars paid by individual stockholders, companies or corporations, for stock in said Bank, which shall be in full for all tax or bonus.

And the question being taken on adopting the said amendment,

it was decided in the negative.

The yeas and nays being required thereon by Messrs. Chinn and Thornton, were as follows, viz:

YEAS-Mr. Chinn-1.

NAYS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Clark, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie, Harris, Heady, James, McHenry, Murrell, Nuttall, W. Owsley, Parks, Prince, Sisk, Southgate, Taylor, Thornton, Willis, Wingate, Young—33.

Mr. W. Owsley moved to amend the said section by striking out the words, "but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said Bank," printed in ital-

ine

And the question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. Owsley and Guthrie, were as follows, viz:

YEAS--Messrs. Bibb, Conner, Cunningham, Gholson, Gilbert,

Murrell, H. Owsley, W. Owsley, Thornton-9.

NAYS—Messrs. Beaseman, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Daviess, Dejarnatt, Dougherty, Griffith, Guthrie, Harris, Heady, James, McDonald, McHenry, Nuttall, Parks, Prince, Sisk, Southgate, Taylor, Willis, Wingate, Young—26.

The Speaker laid before the Senate a letter and a remomstrance of John U. Waring, against a law permitting Doctor Levi Jones to withdraw the will of Richard Jones Waters form the Jefferson

county court.

The said letter and remonstrance were received, and laid on the

table.

Leave of absence from the service of the Senate was granted to Mr. Nuttall, until Monday next.

And then the Senate adjourned.

THURSDAY, JANUARY 30, 1834.

The Senate assembled.

The Speaker laid before the Senate the annual report of the Trustees of the Cumberland Hospital, which is as follows, viz:

REPORT OF THE TRUSTEES OF CUMBERLAND HOSPITAL.

To the Honorable—the Senate and House of Representatives of the Commonwealth of Kentucky.

The Trustees of this institution again submit to your consideration, the situation of the business since their last report of 24th November, 1832. It will be seen from the annexed statement, as well as former report, that, at that time, we had on hand the sum of fifty dollars twenty-seven cents, and were indebted to Mr. Burnes, the keeper, the sum of two hundred and eighty-nine dollars. The Legislature, at their last session, made an appropriation of fifteen hundred dollars, for the further support of the hospital, which, after paying the balance due to the keeper above mentioned, has, with the small balance on hand, paid the current expenses of the institution to this period, and leaves a balance now on hand, of three hundred and thirty-eight dollars and forty-seven cents, as per statement annexed. The number of persons admitted into the hospital since our last report, is seventy-six, a large increase over that of any former year.

We have, through our representative in Congress, made an arrangement with the General Government, by which we are entitled to pay at the rate of three dollars and fifty cents per week, for all those who may enter the hospital, that have been subject to pay hospital money in the different ports in the United States. This

will assist considerably in defraying the expenses of the institution in future. It is necessary for the convenience and comfort of the sick, that a small addition should be made separate from the present building, for the use of the keeper as a family house. Under the present arrangement, the lower part of the building is occupied by the keeper, and the patients placed in the upper rooms of the house. This is attended with much inconvenience and trouble. Many patients who might be able to go out of the house at times, are prevented by the circumstance of being placed up stairs:--which would fatigue them too much in getting down and up again. In addition to the inconvenience experienced by the sick, the house is too small to accommodate the family of the keeper and have a sufficiency of room for the patients. A house of sufficient size for the family of the keeper, could be built for about five hundred dol-We must therefore ask of your honorable body, a further appropriation for the support of the institution the present year, embodying therewith an amount sufficient to make the above named addition. We are of opinion that the sum of one thousand five hundred dollars will be sufficent to pay the present year's expenses and make the necessary improvement. We annex a statement of expenses, viz:

Cash on hand 24th November, 1833,	\$50 27
Appropriation of Legislature, session of 1832 and '33,	1500 00
Appropriation of Hogicatoric, 20-1-1-	\$1550 27

)
То	cash	paid John Burnes, balance due him in November 1832, \$289 00	
	66	Ora Drura, Keeper, for boarding and atttending to patients from 24	
		Nov. 1832, to 16 Jan, 1834151	
	66	for coffins and burying 13 persons	
	"	for washing 86 doz. a 50 cts. pr. doz. 43 00	
	"	for sundry articles furnished per bill rendered, - 12 37	
		200 00	

	000000		
Deduct for cash received from sundry persons	18 86-	-\$567	94
Cash paid Dr. D. B. Sanders for attending hos	pital from		00
1st Nov. 1832, to 16th Jan. 1834, a \$200 p	er year,	242	
Cash paid Moses B. Donakey, bill work render	ed,		93
Cash paid H. Ferguson, Jr. bill sundries furn	ished for	00	58
use of hospital,	nt with a state		
Cash paid John Smedley, bill rendered,	DINESSET PRO		31
Cash paid Thomas McCormick, per bill render	red,	28	82
		\$1211	80

Balance on hand, \$338 47

Leaving the balance of three hundred and thirty-eight dollars and forty-seven cents in hand at this date; all of which is respectfully submitted.

JOSEPH HAYDOCK, THOMAS WILLIS, THOMAS M'CORMICK, DAVID J. BROWN.

Smithland, Ky. Jan. 16, 1834. DAVID J. BROWN. J. Ordered, That the said report be referred to the committee of finance.

The Speaker laid before the Senate the following letter and report of the Secretary of the Board of Managers of the Louisville Hospital, viz:

Louisville, January 27, 1834.

James Guthrie, Esq:—
I beg you will do us the favor to lay our short report before the Legislature of the state of Kentucky.—

Patients admitted to the Hospital since December 1832,
Of these have been discharged cured,
Died,
237

Sums expended for their support, \$4696 54—all derived from the 2 per cent fund arising from auction duties, save \$500 allowed by the general government.

Since September last, the doors of the Hospital have been closed to the humane and benevolent purposes for which it was established for the want of means. The sales at auction, from whence the duty is derived, have been so limited that no dependence can be placed upon it as a permanent fund.

It is now left to the wisdom of the representatives of the state to say whether any thing can be done to save so many valuable lives from destruction, as seek and find relief from this institution.

WM. S. VERNON,

Secretary of the Board of Managers of the Louisville Hospital.

Ordered, That the said report be referred to the committee of nance.

1. Mr. Taylor presented the petition of Edward Moore, praying the passage of a law authorising the sale of a small tract of land in Mason county, belonging to his two infant children.

2. Mr. Wingate presented the petition of sundry citizens of Owen county, praying an alteration in the state road leading from Lexington to Ghent.

3. Mr. Heady presented the petition of C. Q. Black, praying the passage of a law authorising the sale of a tract of land belonging to the heirs of Samuel Black, deceased.

4. Mr. Coffey presented the petion of Livina Nelson, praying a divorce from her husband, Andrew M. Nelson.

The said petitions were severally received and referred; the first and third, to the committee of courts of justice; the second, to the committee of internal improvements; and the fourth, to the committee of religion.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of

the following titles, viz:

An act to compel Sheriffs to return certificates of the election of

members of the Senate and House of Representatives.

An act to change the place of holding the election in the Gore precinct in Daviess county, and for other purposes.

An act for the benefit of William S. Spurlock. An act for the benefit of Robert Furguson.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to amend an act, entitled an act, to add a part of the land of Richard Forrest to the town of Lebanon, approved November 15, 1831, and for other purposes.

An act allowing George James Trotter a change of venue. An act to establish a road from Harrodsburg to Taylorsville.

With amendments to the two latter bills, which amendments were taken up, twice read and concurred in.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Isaiah Miller.

An act to amend the acts concerning the town of Shepherdsville.

An act appropriating a part of the vacant lands in the district of country west of the Tennessee river, for the purpose of education.

An act for the benefit of the heirs and devisees of John Smith,

deceased.

An act for the benefit of the estates of Robert Scott and John E. Shropshire, deceased.

An act to improve certain public roads in Lewis county.

An act appropriating land for improvidg certain roads in Harlan county.

An act to build a bridge across Jilico river in Whitley county. An act to incorporate a Bridge Company at Falmouth.

An act for the benefit of Strother J. Hawkins.

An act repealing the 4th section of an act entitled an act to change the time of holding certain courts in the seventh judicial district, approved 25th January, 1827;

And had found the same truly enrolled; that said bills had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Mr. W. Owsley from the committee of courts of justice, reported a bill to amend the law in relation to the erection of a bridge across Rockcastle river,

Which was read the first time, and ordered to be read a second

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Wingate from the committee of religion, made the follow-

ing report, viz:

The committee of religion, to whom was referred the petition of John T. Evans, praying a divorce from his wife, Nancy Evans, make the following report—

Resolved, That the said petition ought to be rejected. Which resolution was twice read and concurred in.

Mr. Clark from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, an act to incorporate a company to construct a tumpike road from Covington, through Williamstown and Georgetown to Lexington, in Fayette county, reported the same without amendment, with their opinion that it ought to pass.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, it was referred to the committee of finance.

Mr. Clark from the same committee, to whom was referred a bill to improve the stage road over Muldrow's hill, from Lexington to Nashville, reported the same with an amendment.

The said bill and amendment were referred to the committee of

finance.

Mr. Clark from the same committee to whom was referred a bill to establish a state road from Frankfort to King's ferry on the Ohio river, by the way of New Castle, reported the same without amendment.

The said bill provided that the commissioners appointed to view

said road, should be paid out of the public Treasury.

Mr. Clark moved to amend the same, so that the commissioners be paid out of the county levies of the counties through which the road runs.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dougherty and Heady, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Clark, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Gholson, Gilbert, Grif-

fith, Murrell, H. Owsley W. Owsley, Parks, Prince, Roberts, Sisk, Taylor, Thornton, Willis, Wingate-24.

NAYS-Messrs. Bramlette, Chinn, Dougherty, Harris, Heady,

McDonald, McHenry, Young-8.

Ordered, That said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. Clark from the same committee, to whom was referred a bill from the House of Representatives entitled, an act to incorporate the Richmond and Lexington Turnpike Road Company, reported the same without amendment, with the opinion of the committee that it ought to pass.

Ordered, That the said bill be referred to the committee of

finance.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's Improved Map of Kentucky, and for other purposes, with an amendment.

The Senate resumed the consideration of a bill to establish the

Bank of Kentucky.

The fortieth section of the said bill was amended to read as fol-

lows, viz:

§ 40. That the Governor of this Commonwealth shall be and he is hereby authorised and requested, within ten days after the commissioners shall notify him that ten thousand shares of the capital stock of said bank, has been subscribed by individuals, companies and corporations, to subscribe for and on account of this Commonwealth, twenty thousand shares of the capital stock of said bank, and he is further authorised and requested, when the third instalment shall have been paid by individuals, companies and corporations, on the request of the President and Directors of said bank, to pay for five thousand shares thereof, by executing to said President and Directors, the bonds or scrip of this Commonwealth for five hundred thousand dollars, in such amounts as they may require, bearing on the face an interest of five per cent. per annum, payable by this Commonwealth, on the first Mondays of January and July, in each year, at the principal bank, and redeemable at the pleasure of this Commonwealth, at any time within five years after the expiration of this charter: and when one million of dollars shall have been paid into said bank by individuals, companies and corporations, the Governor of this Commonwealth is further authorised and requested, on the application of the said President and Directors, to pay for five thousand additional shares of said stock, by executing the like bonds or scrip of this Commonwealth, for five hundred thousand dollars, bearing like interest; which bonds or scrip, shall be received by said President and Directors, as payment in full of ten thousand shares of said capital stock: and it shall be lawful for the President and Directors of said bank to sell and transfer said bonds or scrip, and by endorsement thereon, to agree and bind the bank to pay the interest, either annually or semi-annually, at any place or places within the United States; and said bonds or scrip shall be transferable at such place or places and in such manner as the President and Directors of said bank shall prescribe by their by-laws; and it shall be the duty of the President and Directors of said bank, out of the amount which will be due the Commonwealth on her stock, to redeem the aforesaid bonds or scrip without charge, and pay over the residue to the state.

The Governor of this Commonwealth, for the time being, shall have the right, in person or by proxy, to vote on the stock of the

state, at all meetings of the stockholders.

Mr. Thornton moved to amend the said bill by striking out the

said section and inserting in lieu thereof the following, viz:

Be it further enacted, That the Commonwealth of Kentucky shall have power, at any time after ten thousand shares have been subscribed by individuals, companies and corporations, and actually paid in, to add to the stock of said bank five thousand shares, and cause the same to be subscribed and taken on behalf of the Commonwealth: and after twenty thousand shares have been subscribed for and taken by individuals, companies and corporations, and actually paid in, the Commonwealth of Kentucky shall have power to add to the stock of said bank, five thousand shares more, and cause the same to be subscribed for and taken on the behalf of the Commonwealth: and upon the stock, or any part thereof, being so subscribed and paid for, the Commonwealth shall have all the rights, privileges and benefits, which are vested in other stockholders, and no more, and the stock of the state shall be voted on by any person authorised by law.

And the question being taken on adopting the said amendment,

it was decided in the negative.

The yeas and nays being required thereon by Messrs. Thornton

and Guthrie, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Chinn, Clark, Cunningham, Gholson, Gilbert, Grider, Griffith, Murrell, H. Owsley, W. Owsley, Thornton—14.

NAYS—Messrs. Beaseman, Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Guthrie, Harris, Heady, McDonald, McHenry, Parks, Prince, Roberts, Sisk, Southgate, Taylor, Willis, Wingate, Young—20.

Ordered, That the said bill be engrossed, and read a third time to-morrow.

And then the Senate adjourned.

FRIDAY, JANUARY 31, 1834.

A message was received from the House of Representatives, announcing the passage of a bill which originated in the Senate, entitled, an act to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorise a turnpike gate thereon, approved, January 15, 1831.

And that they had passed bills which originated in that House,

of the following titles, viz:

An act concerning the liabilities and duties of executors and ad-

An act allowing additional justices of the peace and constables

to certain counties. An act for the benefit of James Storm and John Cox. An to improve the navigation of Trade-water river.

An act to amend and reduce into one the several acts concerning

private pass-ways in certain counties.

Mr W. Owsley from the committee of courts of justice, to whom was referred a bill appointing a keeper of the Penitentiary, and for other purposes, reported the same with amendments.

Which were twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time to-morrow; and that the public printer print one hundred and fifty copies thereof, for the use of the general assembly.

Mr. W. Owsley from the same committee, to whom was referred a bill for the benefit of the Lexington and Ohio Rail Road Com-

pany, reported the same without amendment.

Ordered, That the said bill be referred to the committee of the whole House, on the state of the Commonwealth, for Wednesday next.

The amendment proposed by the House of Representatives, to a bill, entitled, an act to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's Improved map of Kentucky, and for other purposes, was twice read as follows, viz:

Add to the third section, "Provided that the said map, when completed, shall be approved by the Governor, Secretary of State and Attorney General, and a certificate of approbation filed with the Auditor."

The question being taken on concurring in the said amendment,

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Wingate, were as follows, viz: YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Daviess, Dougherty, Gholson, Grider, Griffith, Guthrie, Harris, James, McDonald, Murrell, H. Owsley, W. Owsley, Parks, Roberts, Sisk, Southgate, Taylor, Thornton, Young-28.

NAYS-Messrs. Bramlette, Dejarnatt, Gilbert, Heady, McHen-

ry, Prince, Willis, Wingate-8.

A message was received from the Governor, by Mr. Sanders, Secretary of State, announcing,—That the Governor did, on the 30th instant, approve and sign an enrolled bill which originated in the Senate, entitled,

An act repealing the fourth section of an act entitled, an act to change the time of holding certain courts in the seventh judicial

district, approved, January 25th, 1827.

Mr. Guthrie, presented the petition of Thomas W. Harris, pray-

ing for a change of venue.

The said petition was received and referred to the committee of courts of justice.

An engrossed bill, entitled, an act to establish the Bank of Ken-

tucky, was read the third time;

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate

and Willis, were as follows, viz:

YEAS—Messis. Beaseman, Bramlette, Coffey, Conner, Daviess, Dougherty, Guthrie, Harris, Heady, James, McDonald, Parks, Prince, Roberts, Southgate, Taylor, Willis, Wingate, Young—19.

NAYS—Messrs. Bibb, Boyd, Brown, Chinn, Clark, Cunningham, Dejarnatt, Gholson, Gilbert, Grider, Griffith, McHenry, Murrell, H. Owsley, W. Owsley, Sisk, Thornton—17.

Resolved, That the title of the said bill be as aforesaid.

A bill to incorporate the Bank of Maysville was read the second time, amended, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

The question was taken on the passage of the said bill, and it

was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Taylor, were as follows, viz:

YEAS—Messrs. Beaseman, Coffey, Conner, Daviess, Dougherty, Griffith, Guthrie, Harris, Heady, James, McDonald, Parks, Prince, Roberts, Southgate, Taylor, Willis, Wingate, Young—19.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Cunningham, Dejarnatt, Gholson, Gilbert, Grider, McHenry, Murrell, H. Owsley, W. Owsley, Sisk—16.

Resolved, That the title of the said bill be as aforesaid.

On the motion of Mr. Cunningham—

Leave was given to bring in a bill to amend an act to amend the law to establing a state road from the Mouth of Salt River, to in-

tersect the state road leading from Brandenburg to Bowlinggreen, approved, January 15, 1831:

And Messrs. Cunningham, Griffith and Murrell, were appointed

a committee to prepare and bring in the same.

A bill from the House of Representatives, entitled, an act to incorporate the Bowlinggreen Female Academy, was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was amended,

and referred to the committee on Education.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Southgate-1. A bill concerning the town of Alexan-

dria, in Campbell county.

By Mr. H. Owsley-2. A bill for the benefit of Spencer and

Laurel county Seminaries.

By Mr. Roberts-3. A bill to amend the act to incorporate the Rolling Fork Bridge Company, approved December 2d, 1831, and for other purposes.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred: the first to the committee of courts of justice; the second, to the committee of finance; and the third, to the committee of internal improvements.

The Speaker laid before the Senate the ninth annual report of the President and Directors of the Louisville and Portland Canal

Company.

(See Appendix—K.)

And then the Senate adjourned.

SATURDAY, FEBRUARY 1, 1834.

Mr. Conner from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's Improved Map of Kentucky, and for other purposes.

An act to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorise a turnpike gate thereon, approved, January 15, 1831.

And had found the same truly enrolled: that said bills had been signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Conner reported that the committee had

performed that duty.

Mr. James presented the petition of Edmund Curd, Receiver of Public Moneys for lands west of the Tennessee river, praying remuneration for his expenses in depositing the money received by him in the Bank at Frankfort.

Mr. Coffey presented the petition of Nicholas Jasper, praying that the amount paid by him, as security in a recognizance for the appearance of William Hill, may be refunded to him out of the Treasury.

The said petitions were received and referred to the committee

of finance.

A message was received from the House of Representatives, announcing the passage of bills entitled, an act for the benefit of Malinda Devers.

An act to authorise the Trustees of the Hardin Seminary to sell lo tNo. 31, in the town of Elizabeth, and for other purposes.

And that they had passed bills from the Senate of the following titles, viz:

An act to establish the town of Mills' Point in the county of

Hickman, and for other purposes.

An act to amend the law in relation to the erection of a bridge across Rockcastle river.

And that they had received official information-

That the Governor did, on the 30th ultimo, approve and sign enrolled bills, which originated in that House, of the following titles, viz:

An act to amend the acts concerning the town of Shepherdsville

and Elizabethtown.

An act for the benefit of Isaiah Miller.

An act appropriating certain lands for improving certain roads in Harlan county.

An act for the benefit of the estates of Robert Scott and John E.

Shropshire, deceased.

An act for the benefit of Strother J. Hawkins.

An act appropriating a portion of the vacant lands in the district of country west of the Tennessee river, for the purpose of education.

An act to establish a Bridge at Falmouth.

An act to build a bridge across Jilico river in Whitley county.

An act to improve certain public roads in Lewis county.

An act for the benefit of the heirs and devisees of John Smith, deceased.

And a joint resolution entitled, a resolution to appropriate the

room to the left hand of the entrance into the Capitol for the use of the Public Library.

A bill from the House of Representatives, entitled, an act for the benefit of Amelia S. Barnes, was taken up and re-committed to the committee of religion.

Mr. W. Owsley from the committee of courts of justice, to whom was referred a bill from the House of Representatives, entitled, an act to extend the boundaries and jurisdiction of the town of Paducah, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with;

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. W. Owsley from the same committee, reported a bill providing for a change of venue in the prosecution against Thomas W. Harris:

Which was read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Bills from the House of Representatives of the following titles, viz: An act to amend an act concerning head-right certificates.

An act allowing the county of Christian an additional justice of the peace, and for other purposes.

Were each read the second time, and ordered to be read a third

time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the second bill, by Messrs. Daviess and Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Bramlette, Clark, Coffey, Conner, Dejarnatt, Gholson, Gilbert, Grider, Griffith, Harris, James, McDonald, McHenry, Sisk, Southgate, Taylor, Young—19.

NAYS-Messrs. Brown, Cunningham, Daviess, Guthrie, Murrell,

H. Owsley, W. Owsley, Prince, Willis—9.

Mr. Willis read and laid on the table, a joint resolution fixing

a day for the election of public officers.

Mr. Brown from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, an act to incorporate the Danville, Lancaster and Nicholasville Turnpike Road Company, reported the same without

amendment,—and with the opinion of the committee that it ought to pass.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, it was referred to the

committee of finance.

Mr. Clark from the same committee, to whom was referred a bill repealing the law authorising the people of Rockcastle and Laurel counties to pass the Turnpike and Wilderness road without paying toll, reported the same with an amendment,

Which was twice read and concurred in.

Ordered, That the said bill be engrossed and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be

amended by inserting Knox and Harlan after Rockcastle.

On the motion of Mr. Clark, the committee of internal improvements was discharged from the further consideration of the petition of sundry citizens of Hickman county, praying that David Long be authorised to build a mill dam across Obin's creek; and from the further consideration of the petition of sundry citizens of Muhlenburg and Hopkins counties, praying that Willis Morgan may be prohibited from rebuilding his mill dam on Pond river.

Leave was given to withdraw the first petition.

Mr. Taylor from the committee of finance, to whom was referred a bill to reduce the price of the vacant and unappropriated lands west of the Tennessee river, and to protect the settlers in said district, reported the same with an amendment.

The said amendment proposes to strike out the first section of

the bill, after the enacting clause, which is as follows, viz:

"That it shall and may be lawful for any person to enter with the receiver of public monies for the land district west of the Tennessee river, after the first day of April 1834, any quarter section, or fractional quarter section, of vacant and unappropriated land, in the said land district, at the price of twelve and a half cents per acre."

The question being taken on concurring in the said amendment,

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

James, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Clark, Coffey, Conner, Cunningham, Dejarnatt, Gilbert, Griffith, Guthrie, Murrell, H. Owsley, W. Owsley, Southgate, Taylor, Young—17.

NAYS—Messrs. Beaseman, Bramlette, Gholson, Harris, James,

McDonald, McHenry, Parks, Prince, Sisk, Willis—11.

Ordered, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title be, an act to protect the setlers in the land district west of the Tennessee river.

Mr. Taylor from the committee of finance, to whom was referred bills from the House of Representatives, entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes; and an act authorising the building of an arsenal, for the security and preservation of the public arms, reported the same with amendments to each;

Which were twice read and concurred in.

Ordered, That the said bills, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the first bill, having been dispensed with:

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. Grider from the committee of education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Bowlinggreen Female Academy, reported the same without further amendment.

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Willis—I. A bill to authorise the collection of the revenue in specie, and for other purposes.

On the motion of Mr. McDonald—2. A bill to amend the law regulating the appointment and duties of the Trustees of Maxville, in the county of Washington.

On the motion of Mr. McDonald—3. A bill to authorise the county court of Washington county, to increase the allowance to

the patrols of said county.

Messrs. Willis, Guthrie and Cunningham, were appointed a committee to prepare and bring in the first; Messrs. McDonald, Boyd and Heady, the second; and Messrs. McDonald, Daviess and H. Owsley, the third.

Mr. Gilbert from the committee appointed for that purpose, reported a bill declaring Goose creek navigable, from Col. Garrard's salt well to the mouth of Otter creek;

Which was read the first time, and ordered to be read a second

time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

The committee of the whole was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to increase the revenue, and the said bill was made the order of the day for Tuesday next.

The resolution calling for information from the President of the Bank of the Commonwealth, in relation to the debtors to that institution, moved by Mr. Conner on the 22d ultimo, was laid on the

A bill to declare and explain the law concerning conveyances, was ordered to be engrossed and read a third time on Monday next.

Bills from the House of Representatives entitled, an act to authorise the taking of depositions in a summary way, to perpetuate testimony: and an act to amend an act entitled an act for incorporating the Hartford Bridge company, approved December 5, 1823, were each read a third time as amended.

Resolved, That the said bills, as amended, do pass, and that the

titles thereof be as aforesaid.

A bill from the House of Representatives entitled, an act to prevent the sale of growing crops, was ordered to be read a third time as amended.

A bill from the House of Representatives, entitled, an act to allow two additional justices of the peace for Muhlenburg, and for other purposes, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

A bill from the House of Representatives, entitled, an act to

amend the penal laws of Kentucky, was read the first time.

And the question being taken on reading the same a second time, it was decided unanimously in the negative; and so the said bill was disagreed to.

A resolution from the House of Representatives, for releasing Joel Scott, Keeper of the Penitentiary, from his contract with the

state, was twice read and laid on the table.

A bill from the House of Representatives, entitled, an act to amend the several laws establishing and regulating towns in this Commonwealth, was read the third time, and referred to a committee of Messrs. Harris, W. Owsley and Southgate.

A bill to amend the law prescribing penalties for obstructing navigation, was read the second time, and ordered to be engrossed

and read a third time on Monday next.

A bill to establish a judicial district was taken up and placed in the orders of the day.

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time, viz:

1. An act to improve the navigation of Trade-water river.

2. An act to regulate the terms of certain circuit courts, and for other purposes.

3. An act to allow an additional justice of the peace to Bullitt county.

4. An act for the benefit of Isabella Rowland.

5. An act to incorporate the Shepherdsville and Elizabethtown Turnpike Road Company.

6. An act for the benefit of John F. Power.

7. An act for the benefit of Caldwell, Livingston and Todd counties.

8. An act to establish an election precinct in the county of Grayson.

9. An act to alter the time of holding the Hickman and Graves circuit courts, and for other purposes.

10. An act for the benefit of John Holt, Sen.

11. An act to establish a state road from the town of Owenborough, on the Ohio river, by the way of the mouth of Rough creek and Greenville, to Hopkinsville.

12. An act to establish an election precinct in the town of Ghent,

in Gallatin county; and for other purposess.

13. An act to amend the law authorising the sale of infants' estates

14. An act to authorise the opening of a road from Flat rock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville.

15. An act to authorise an additional term for the trial of crim-

inals in the Fayette circuit court.

16. An act for the benefit of Charles F. Wing and Barnett Eades.

17. An act for the benefit of the London Seminary in Laurel county.

18. An act to appoint Trustees for the town of Williamstown,

and for other purposes.

19. An act authorising the guardian of the heirs of Corbin Dorsey, deceased, to sell a negro woman.

The rule of the Senate, constitutional provision, and second reading of the said bills, except the third, ninth, tenth and twelfth, having been dispensed with, the first, seventh and sixteenth, were referred to the committee of finance; the second, to a committee of Messrs. Harris, Daviess, Conner, W. Owsley, Young and Brown; the fourth and sixth, to the committee of religion; the fifth, eleventh and fourteenth, to the committee of internal improvements; the eighth, to a committee of Messrs. Cunningham, Murrell and Daviess; the thirteenth, fifteenth, eighteenth and nineteenth, to the committee of courts of justice; and the seventeenth, to a committee of Messrs. Conner, H. Owsley and Young.

The rule of the Senate, constitutional provision, and second and

third readings of the third, ninth, and twelfth bills, having been dispensed with, and the third being amended:

Resolved, That the said bills do pass, the third as amended, and

that the titles thereof be as aforesaid.

And then the Senate adjourned.

MONDAY, FEBRUARY 3, 1834.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act to amend the laws concerning Tavern Keepers.

An act to authorise the county court of Hancock to sell a part of the public ground in Hawsville, and for other purposes.

An act for the benefit of the heirs of Samuel Morison.

An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati turnpike road.

An act to establish and to regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's creek precinct in Estill county, and for other purposes.

On the motion of Mr. Clark,

Resolved, That no bill, report or resolution, shall be taken from the orders of the day, out of the regular order; nor shall the business of the Senate, for the time being, be dispensed with or suspended, but by a vote of two thirds of the members present.

Mr. Clark read and laid on the table, the following resolution, viz: Resolved by the Senate and House of Representatives, That when there is a communication from the Governor, or a message from one House to the other, it shall be received without delay, if the House be in committee the Speaker shall resume the chair, and if any member be speaking he shall take his seat until the communication or message be received.

The rule of the Senate having been dispensed with, the said reso-

lution was taken up, twice read and adopted.

Mr. Wingate read and laid on the table, the following resolution, viz:

Resolved by the Senate and House of Representatives, That when they adjourn on Friday the 21st instant, they will adjourn without day.

1. Mr. Harris presented the petition of William Hayden, guardian of the infant heirs of James Hayden, deceased, praying the passage of a law authorising a sale of all the real estate of his said wards.

2. And also, the petition of Edward Dorten, praying the passage of a law confirming a parol contract between him and his de-

ceased son, William Dorten, for the exchange of two tracts of land in Floyd county.

3. Mr. Roberts presented the petition of sundry citizens, praying amendments to an act entitled, an act to incorporate the Rolling

Fork Bridge Company. The said petitions were severally received and referred; the first and second, to the committee of courts of justice; and the third,

to the committee of internal improvements.

Mr. Prince from the committee of enrollments, reported that the committee had examined an enrolled bill entitled, an act allowing George James Trotter a change of venue.

And had found the same truly enrolled; that said bill had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Roberts-1. A bill appropriating \$2000 to improve the navigation of the Rolling Fork of Salt river, and for other purposes.

On the motion of Mr. Taylor-2. A bill to extend the powers of the board of Trustees of the town of Washington, in the coun-

ty of Mason.

On the motion of Mr. Guthrie-3. A bill providing a more speedy remedy for recovering the possession of real and leasehold estates sold under execution.

On the motion of Mr. Bibb-4. A bill to improve the naviga-

tion of Muddy river.

On the motion of Mr. Guthrie-5. A bill providing for the collection and payment of fines, penalties and forfeitures, into the public Treasury.

On the motion of Mr. Murrell--6. A bill to improve the navi-

gation of Big Barren river.

On the motion of Mr. Conner-7. A bill to amend an act entitled, an act to improve the Sandy road, approved Jan. 15, 1831. On the motion of Mr. James -- 8. A bill to explain the powers

of the several county courts in this Commonwealth.

Messrs. Roberts, McDonald, and Guthrie, were appointed a committee to prepare and bring in the first; Messrs. Taylor, Brown and Harris, the second; Messrs. Guthrie, W. Owsley and Chinn, the third; Messrs. Bibb, Cunningham and Murrell, the fourth; Messrs. Guthrie, Southgate and Prince, the fifth; Messrs. Murrell, Grider and Bibb, the sixth; Messrs. Conner, Harris, Gilbert and Young, the seventh; and Messrs. James, Murrell and Dejarnatt, the eighth.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Daviess from the committee of propositions and griev-

ances-I. A bill for the benefit of Charles C. Moore.

Mr. Guthrie from the committee of finance-2. A bill regulating the tax on merchandize.

By Mr. Daviess-3. A bill to amend the law in relation to the

Bank of the Commonwealth of Kentucky.

By Mr. Cunningham-4. A bill to amend an act to amend the law to establish a state road from the mouth of Salt river, to intersect the state road leading from Brandenburg to Bowlinggreen, approved January 15, 1831.

By Mr. James-5. A bill for the benefit of Nelson Whites and

others.

By Mr. Roberts-6. A bill concerning the counties of Hardin

and Meade. By Mr. Willis-7. A bill to authorise the collection of the re-

venue in specie, and for other purposes.

By Mr. Roberts-8. A bill to alter the time of holding the Meade

circuit court, and for other purposes.

By Mr. McDonald-9. A bill to authorise the county court of Washington county to increase the allowance to patrols in said

By Mr. Guthrie-10. A bill providing a more speedy remedy for the recovering the possession of real and leasehold estates sold

under execution.

By Mr. Taylor-11. A bill to extend the powers of the Trustees of the town of Washington, in the county of Mason.

By Mr. Guthrie-12. A bill providing for the collection and payment of fines, penalties and forfeitures, into the public Treasury.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, third, fifth, sixth, seventh, ninth, tenth and twelfth bills, having been dispensed with, the first was referred to a committee of Messrs. Taylor, Daviess and Grider; the third, sixth and tenth, to the committee of courts of justice; the fifth, seventh and twelfth, to the committee of finance; and the ninth was ordered to be engrossed and read a third time to-morrow.

The rule of the Senate, constitutional provision, and second and third readings of the fourth, eighth and eleventh bills, having been

dispensed with, Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Ordered, That the public printer print one hundred and fifty copies of the twelfth bill, for the use of the general assembly.

Mr. Conner from the committee to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of London Seminary, in Laurel county, reported the same with amendments:

Which were twice read and concurred in. Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with;

Resolved, That the said bill, as amended do pass, and that the title

be amended by adding thereto, and for other purposes.

A message was received from the Governor, by Mr. Sanders, Secretary of State; announcing that the Governor did, on the first instant, approve and sign enrolled bills which originated in the Senate, of the following titles, viz:

An act to authorise the Secretary of State to purchase two hundred copies of Luke Munsell's Improved Map of Kentucky, and for other purposes.

An act to amend an act making an appropriation to aid in the repair of the Sandy road, and to authorise a turnpike gate thereon, approved January 15, 1831. And on this day—

An act allowing George James Trotter a change of venue.

An engrossed bill entitled, an act to regulate tavern licenses, and to prevent the sale of spirituous liquors to slaves, was read the third time.

Mr. Harris moved to lay the said bill on the table until the first day of March next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harris and McHenry, were as follows, viz:

YEAS—Messrs. Beaseman, Conner, Cunningham, Dejarnatt, Gholson, Griffith, Harris, James, McDonald, Murrell, Parks, Sisk, Southgate, Willis—14.

NAYS—Messrs. Boyd, Bramlette, Brown, Clark, Coffey, Daviess, Gilbert, Grider, Guthrie, McHenry, H. Owsley, W. Owsley, Prince, Roberts, Taylor, Wingate, Young—17.

The said bill was then placed in the orders of the day.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of Edward Brown.

An act for the benefit of Margaret Gorman.

An act for the benefit of Samuel Payne, and the heirs and representatives of John Pattie, deceased.

Were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives entitled, an act for the benefit of Henry Weddington, was ordered to be read a third time.

A bill to amend an act, entitled, an act to incorporate the Trustees of the Augusta College, approved December 7, 1822, was read the second time, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

A bill for the benefit of Harriet Johnson, was read the second time; and the question being taken on engrossing the said bill, and reading it a third time to-morrow, it was decided in the affirmative.

The year and nays being required thereon by Messrs. Willis and

Roberts, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Bramlette, Clark, Conner, Cunningham, Daviess, Dejarnatt, Harris, McDonald, McHenry, H. Owsley, Parks, Roberts, Sisk, Southgate, Willis, Young—18.

YAYS—Messrs. Bibb, Brown, Coffey, Gholson, Gilbert, Grider, Griffith, Guthrie, Murrell, W. Owsley, Prince, Taylor, Wingate—13.

Engrossed bills of the following titles, viz:

An act providing for the sale of real estate in certain cases.

An act to amend the several acts to suppress the practice of duelling.

An act to improve the South Fork of the Kentucky river from its junction with the North Fork to Goose Creek salt works.

Were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill entitled, an act appointing a keeper of the Penitentiary, and for other purposes, was referred to the committee of courts of justice.

A bill to incorporate a Dock Company at Smithland, was read the second time, and referred to the committee of internal improvements.

Bills from the House of Representatives of the following titles, were severally read the first time and ordered to be read a second time, viz:

1. An act to authorise the Trustees of the African Church in

Lexington, to convey a house to Sarah Sayre.

2. An act for the benefit of Drury Evans.

3. An act to repeal the law concerning roads, so far as it relates to Bracken county, approved January 29th, 1830.

4. An act to establish an election precinct in Shelby county.5. An act to establish a turnpike road company from Pikeville to

the Virginia State line, at or near the head of Elkhorn.6. An act for the benefit of the Grand Lodge of Kentucky.7. An act for the benefit of John A. and Charles A. Bailey.

- 8. An act to authorise the insertion of advertisements in the "Record of the Times."
- 9. An act to authorise the Trustees of the town of Frankfort to obtain loans of money.
 - 10. An act to establish an election precinct in the county of Union.
 - 11. An act for the benefit of Elizabeth Miller.
 - 12. An act for the benefit of Lavina Off.
 - 13. An act for the benefit of Reuben Kemp. 14. An act for the benefit of Amanda Eoff.
 - 15. An act to amend the law concerning alimony.
 - 16. An act to establish the Shelbyville Library Company.
- 17. An act to reduce into one the several acts constituting boards of internal improvements for Shelby and Franklin counties.
 - 18. An act for the benefit of Simon, a negro man, slave of
- Charles Roseberry.

 19. An act to amend an act entitled, an act to establish a state road from Berry's ferry on the Ohio river, to Salem, and from Madi-
- sonville to Salem, approved Jan. 22, 1830.

 20. An act giving further time to Sheriffs in this Commonwealth
- to file their delinquent lists.
- 21. An act for the benefit of the heirs of John Gray, deceased. The rule of the Senate, constitutional provision, and second reading of the said bills, except the first, third, fourth, sixth, seventh, eighth and sixteenth, having been dispensed with, the second, eleventh, twelfth, thirteenth and fourteenth, were referred to the committee of religion; the fifth, seventeenth and nineteenth, to the committee of internal improvements; the ninth, fifteenth, eighteenth and twenty-first, to the committee of courts of justice; the tenth, to a committee of Messrs. James, Sisk and Harris; and the twelfth, to the committee of finance.
- The rule of the Senate, constitutional provision, and second and third readings of the first, third, fourth, sixth, seventh and sixteenth bills having been dispensed with:
- Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.
- A message was received from the House of Representatives, announcing the passage of bills which originated in the Senate of the following titles, viz:
 - An act allowing an additional constable to the county of Gallatin. An act to incorporate the Blue Spring Seminary in Barren county.
- An act to amend the act, entitled, an act providing for the opening of a road from Taylorsville in Spencer county, to Jeffersontown in Jefferson county, and for other purposes, approved January 31, 1833.
- An act to appropriate some of the vacant lands of this state to the improvement of the public highways thereof.
 - An act to amend the Charter of the Bank of Louisville.

An act for the benefit of Sarah Blackford, and the infant heirs of John Blackford.

An act for the benefit of the jailor of Mercer county.

An act to alter the time of holding certain courts.

An act to change the place of voting in one of the precincts in Cumberland county.

An act further to regulate the town of Eddyville.

An act granting certain powers to Lincoln, Casey and Adair county courts.

An act to provide for reviewing, opening and establishing a road

from Frankfort to Williamstown, in Grant county.

An act providing for the appointment of an additional constable in the county of Adair.

An act for the benefit of Samuel Woodson, Clerk of Hopkins

An act to amend an act, entitled, an act enlarging the town of Madisonville, in the county of Hopkins, approved January 25, 1833. An act to allow additional constables to Logan, Hardin, Meade

and Washington counties.

An act for the benefit of Sophia Griggs. An act to regulate the number of justices of the peace in the

county of Mercer.

An act to incorporate the Union School for Cumberland county. An act to allow an additional justice of the peace in Greenup

Anact to establish election precincts in Greenup county.

An act to establish election precincts in Green and Mercer coun-

An act to enlarge the constable's district for the town of Monticello.

An act for the benefit of Jacob Spaw and his children.

An act amendatory to an act approved January 28th, 1833, to authorise the Bourbon county court to levy a tax on the lands of the county.

An act declaring Goose creek navigable from Col. Garrard's salt

well, to the mouth of Otter creek.

An act to protect the settlers in the land district west of the Tennessee river.

An act to increase the number of justices of the peace in the counties of Pulaski and Wayne.

An act for the benefit of the sheriff of Washington county. An act changing the time of holding the Logan county court. An act to establish election precincts in Pulaski county, and to change the place of voting in a precinct in Hardin county.

With amendments to the four latter bills.

That they had concurred in a resolution from the Senate to procure certain surveys of the rivers in this Commonwealth.

And that they had concurred in the amendments proposed by the Senate, to bills from that House entitled,

An act to improve the state road from Liberty, in Casey county,

to Columbia, in Adair county, and for other purposes.

An act to incorporate the Bowlinggreen Female Academy.

An act to amend an act entitled, an act for incorporating the Hartford Bridge Company, approved December 5, 1823.

And then the Senate adjourned.

TUESDAY, FEBRUARY 4, 1834.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House, of the following titles, viz:

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act to allow the county of Green two additional constables, and for other purposes.

An act to add a part of Bracken county to the county of Harrison.

An act to abolish the February chancery term of the Montgomery circuit court.

An act to allow the county of Mason an additional Justice of the peace, and for other purposes.

An act to erect an election precinct in Livingston county.

An act allowing an additional constable to the county of Campbell, and for other purposes.

That they had disagreed to a bill which originated in the Senate, entitled, an act altering the time of holding courts of claims.

That they had disagreed to the amendments proposed by the Senate, to a bill which originated in that House, entitled, an act to authorise the taking of depositions in a summary way, to perpetuate testimony.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to encourage the publication of a new digest of the Statute Law of Kentucky.

An act incorporating the Maysville Insurance Company.

With an amendment to the latter bill.

Mr. Conner from the committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles, viz:

At act to extend the boundaries and jurisdiction of the town of Paducah.

An act to repeal an act, approved January 14, 1833, entitled, an act to authorise the Trustees of the Newport Seminary to sell their donation lands, and for other purposes.

And a resolution appointing a committee to digest the militia

laws of the state.

And had found the same truly enrolled:

That said bills and resolution had been signed by the Speaker

of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Conner reported that the committee had

performed that duty.

Mr. W. Owsley from the committee of courts of justice, to whom was referred an engrossed bill entitled an act appointing a keeper of the Penitentiary, and for other purposes, reported the same with amendments;

Which were twice read and concurred in.

Ordered, That said bill be re-engrossed, and again read a third

time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being re-engrossed;

Resolved, That the said bill do pass, and that the title be, an act to appoint a Keeper or Keepers of the Penitentiary, and for other

purposes.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Simon, a negro man, slave of Charles Roseberry, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law concerning alimony, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Clark from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, an act to authorise the opening of a road from Flatrock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville, reported the same with an amendment,

Which was twice read and concurred in.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the

title thereof be as aforesaid.

Mr. Clark from the same committee, to whom was referred a bill from the House of Representatives entitled, an act to reduce into one the several acts constituting Boards of Internal Improvements for Shelby and Franklin counties, reported the same without amendment.

Mr. Southgate from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish a turnpike road Company from Pikesville to the Virginia state line, at or near the head of Elkhorn, reported the same without amendment.

Ordered, That the said bills be each read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with;

Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Mr. Grider from the same committee, to whom was referred a bill to amend the act to incorporate the Rolling Fork Bridge Company, approved December 2d, 1831, and for other purposes, reported the same with an amendment; which was twice read and concurred in.

Mr. Grider moved an amendment to the said bill: and the said bill and amendment were referred to the committee of finance.

Mr. Taylor from the committee of finance, to whom was referred a bill for the benefit of Nelson Whites and others, reported the same with an amendment;

Which was twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

On the motion of Mr. Daviess, the committee appointed to prepare and bring in a bill to regulate the number of justices of the peace in the several counties in this Commonwealth, was discharged from that duty.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Clark from the committee of internal improvements—1. A bill making an appropriation to aid the counties of Calloway and Graves, in building certain bridges.

By Mr. Bibb-2. A bill to improve the navigation of Muddy river.

By Mr. Southgate—3. A bill authorising the erection of a bridge across Main Licking river, at or near its junction with the Ohio river.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, the first and second were referred to the committee of finance; and the third to the committee of internal improvements.

Mr. Sisk from the committee to whom was referred a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Union, reported the same with an

amendment, which was twice read and concurred in.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading

of the said bill, having been dispensed with:

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, and to change the place of voting in a precinct in McCracken county.

Mr. Taylor from the committee to whom was referred a bill for the benefit of Charles C. Moore, reported the same with an amend-

ment; which was twice read and concurred in.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that the title thereof be, an act for the benefit of Charles C. Moore, and Levi Van Camp.

The Senate proceeded to the consideration of a bill to increase the revenue, which was discussed for some time.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 5, 1834.

The Senate assembled.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to change the place of voting in one of the precincts in Cumberland county.

An act providing for the appointment of an addition constable in the county of Adair.

An act granting certain powers tot he Lincoln, Casey and Adair county courts.

An act to amend the Charter of the Bank of Louisville.

An act declaring Goose creek navigable from Col. Garrard's salt well, to the mouth of Otter creek.

An act to alter the time of holding certain courts.

An act amendatory to an act approved January 28th, 1833, to authorise the Bourbon county court to levy a tax on the lands of the county.

An act for the benefit of Jacob Spaw and his children.

An act further to regulate the town of Eddyville.

An act for the benefit of Sophia Griggs.

An act to establish a road from Harrodsburg to Taylorsville.

An act to amend an act, entitled, an act to add a part of the land of Richard Forrest to the town of Lebanon, approved November 15, 1831, and for other purposes.

An act to amend the law in relation to the erection of a bridge

across Rockcastle river.

And had found the same truly enrolled; that said bills had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Bibb—1. A bill to amend an act entitled an act to incorporate the Franklin Insurance Company.

On the motion of Mr. Thornton—2. A bill to establish an election precinct in Bourbon county, at Ruddle's Mills: and for the county court of Bourbon to appoint an additional constable.

Messrs. Bibb, Wingate and W. Owsley, were appointed a committee to prepare and bring in the first; and Messrs. Thornton, Clark and Chinn, the second.

On the motion of Mr. Southgate-

Resolved, That the committee of courts of justice be instructed to enquire into the expediency of so amending the law of descents, as to prevent the estate of deceased infants, derived from their father or mother, passing to any person not of the blood of the ancestor from whom the estate of the infant was derived.

Mr. James from the committee appointed for that purpose, reported a bill to explain the powers of the several county courts in this Commonwealth.

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of courts of justice.

A message was received from the House of Representatives, announcing their corcurrence in the amendments proposed by the Senate, to bills which originated in that House, of the following titles, viz:

An act for the benefit of Margaret Gorman.

An act to authorise the opening of a road from Flatrock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville.

An act for the benefit of the London Seminary in Laurel county. An act to establish an election precinct in the county of Union.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to amend the several acts to suppress the practice of

duelling.

An act for the benefit of Nelson Whites, and others.

An act to extend the powers of the Trustees of the town of Washington, in the county of Mason.

That they had passed bills of the following titles, viz:

An act to prohibit the circulation, within this Commonwealth, of Bank notes of a less denomination than five dollars.

An act for the benefit of Elizabeth Godley.

An act to improve the state road leading from London to the Tennessee state line.

An act to appropriate four hundred dollars to aid in improving the state road leading from Owensborough to Bowlinggreen.

An act to incorporate the Georgetown and Rail Road Turnpike

Company.

An act to incorporate the Winchester and Lexington Turnpike

Company. On motion of Mr. Nuttall-Leave was given him to record his vote in favor of an engrossed bill, entitled, an act to establish the Bank of Kentucky, which passed the Senate on the 31st ultimo.

The Senate resumed the consideration of a bill from the House

of Representatives, entitled, an act to increase the revenue.

The first section of said bill is as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs of this Commonwealth, to collect upon the valuation contained in the commissioner's returns for the present year, and every year thereafter, at the rate of Ten cents for every hundred dollars contained in the valuation of each individual's land, and other property subject to taxation; and that the taxes to be collected upon the lands of nonresidents, shall be charged and collected at the same rate.

The first amendment reported from the committee of finance, proposes to strike out of the said section the word "ten" printed in italics, and to insert in lieu thereof, twelve-and-a-half.

Mr. Willis called for a division of the question.

And the question being taken on striking out the word "ten," it was decided in the negative, and so the said amendment was disagreed to.

The yeas and nays being required thereon by Messrs. Willis and

James, were as follows, viz:

YEAS—Messrs. Brown, Chinn, Clark, Grider, Griffith, Guthrie, Harris, Heady, H. Owsley, W. Owsley, Parks, Southgate, Taylor, Thornton—14.

NAYS—Messrs. Beaseman, Bibb, Bramlette, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Gholson, Gilbert, James, McDonald, McHenry, Murrell, Nuttall, Prince, Sisk, Willis, Wingate, Young—20.

The second amendment reported from the committee of finance, proposes to strike out the second section of the said bill, which is

as follows, viz:

§ 2. Be it further enacted, That the Cashier of the Louisville Bank of Kentucky shall, on the first day of July, 1834, and on the same day annually thereafter, pay into the public treasury forty cents on each share held by the stockholders in said bank.

And the question being taken on concurring in the said amend-

ment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Murrell, were as follows, viz:

YEAS—Messis. Beaseman, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Dejarnatt, Gholson, Gilbert, Guthrie, Harris, Heady, McDonald, Nuttall, Parks, Prince, Sisk, Southgate, Taylor, Wingate—21.

NAYS—Messrs. Bibb, Cunningham, Daviess, Grider, Griffith, James, McHenry, Murrell, H. Owsley, W. Owsley, Thornton, Wil-

lis, Young-13.

Mr. Willis moved to amend the said bill by adding thereto the

following section, viz:

§ 2. Be it further enacted, That the commissioners of this Commonwealth, who take in lists of taxable propety, shall, from and after the time this act takes effect, in taking in lists of property for taxation, require each and every person, giving in his, her or their lists of property, to render an account of all estate, whether real, personal or mixed, which they may own at the time; and said commissioners are required to value the same, and enter it in gross for taxation on his book, in which list the person giving it in, shall include all money which they then have in possession, and all Bank notes at their value, and all stocks of every kind, which they may own in any bank or banks, companies or corporations in this Commonwealth, which declare an annual or semi-annual dividend: Provided however, That this act shall not be construed to require any person to list property for taxation which is now exempt from execution, nor any bank stock, or stock of any company, or corporation

which is now taxed by law, nor the stock in the Louisville Bank, nor any property upon which there is now a specific tax imposed, different from the tax imposed by this act.

And the question being taken on adopting the said amendment

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Griffith, were as follows, viz:

YEAS—Messrs. Bramlette, Coffey, Cunningham, Gholson, Gilbert, Heady, James, McDonald, McHenry, Murrell, Nuttall, Prince, Sisk, Southgate, Willis, Wingate, Young—17.

NAYS—Messrs. Beaseman, Brown, Chinn, Clark, Conner, Daviess, Dejarnatt, Grider, Griffith, Guthrie, Harris, H. Owsley, W.

Owsley, Parks, Taylor, Thornton-16.

Mr. W. Owsley moved to amend the said bill by adding thereto,

the following section, viz:

Be it further enacted, That the Cashier of each and every Bank, which is or may be hereafter chartered by authority of this state, shall, on the first day of July next, if the bank be in operation, and if not, within one year after such bank or banks go into operation, and on the first day of July in every year thereafter, pay into the public Treasury, a tax of —— cents for each one hundred dollars of stock held and actually paid in by the stockholders in such bank or banks.

And the question being taken on adopting the said amendment,

it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. Ows-

ley and McDonald, were as follows, viz:

YEAS—Messrs. Bibb, Chinn, Conner, Cunningham, Daviess, Gilbert, Grider, Griffith, James, Murrell, H. Owsley, W. Owsley, Parks, Southgate, Thornton—15.

NAYS—Messrs. Beaseman, Bramlette, Brown, Clark, Coffey, Dejarnatt, Gholson, Guthrie, Harris, Heady, McDonald, McHenry,

Nuttall, Prince, Sisk, Taylor, Willis, Wingate, Young-19.

Mr. Heady moved to reconsider the vote adopting the amendment proposed by Mr. Willis; and the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Daviess, were as follows, viz:

NAYS—Messrs. Beaseman, Bibb, Brown, Chinn, Clark, Conner, Daviess, Dejarnatt, Grider, Griffith, Guthrie, Harris, Heady, H. Owsley, W. Owsley, Parks, Southgate, Taylor, Thornton—19.

NAYS—Messrs. Bramlette, Coffey, Cunningham, Gholson, Gilbert, James, McDonald, McHenry, Murrell, Nuttall, Prince, Sisk, Willis, Wingate, Young-15.

Mr. Willis moved to amend the said amendment by adding there-

to the following proviso, viz:

Provided also, That obligations, notes, or contracts for the payment of money or property, shall not be considered as liable to taxation.

And the question being taken thereon, it was decided in the ne-

gative.

The yeas and nays being required thereon by Messrs. McDonald

and Daviess, were as follows, viz:

YEAS—Messrs. Bramlette, Coffey, Cunningham, Gholson, Gilbert, Heady, James, McHenry, Murrell, Nuttall, H. Owsley, Prince, Sisk, Southgate, Willis, Young—16.

NAYS—Messrs. Beaseman, Bibb, Brown, Chinn, Clark, Conner, Daviess, Dejarnatt, Grider, Griffith, Guthrie, Harris, McDonald,

W. Owsley, Parks, Taylor, Thornton, Wingate-18.

The question was again taken on adopting the amendment proposed by Mr. Willis to the said bill, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and

Griffith, were as follows, viz:

YEAS-Messrs. Bramlette, Coffey, Cunningham, Gholson, Gilbert, James, McDonald, McHenry, Murrell, Nuttall, Prince, Sisk,

Southgate, Willis, Wingate, Young-16.

NAYS—Messrs. Beaseman, Bibb, Brown, Chinn, Clark, Conner, Daviess, Dejarnatt, Grider, Griffith, Guthrie, Harris, Heady, H. Owsley, W. Owsley, Parks, Taylor, Thornton,—18.

Mr. Wingate moved an amendment to the said bill.

And then the Senate adjourned.

THURSDAY, FEBRUARY 6, 1834.

The Senate assembled.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Edward Brown.

An act allowing to the county of Christian an additional justice of the peace, and for other purposes.

An act to allow two additional justices of the peace for Muhlen-

burg, and for other purposes.

An act to amend an act entitled, an act for incorporating the Hartford Bridge Company, approved December 5th, 1823.

An act for the benefit of Samuel Payne, and the heirs and repre-

sentatives of John Pattie, deceased.

An act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes.

An act to amend an act concerning head-right certificates.

An act to incorporate the Bowlinggreen Female Academy.
An act to alter the time of holding the Hickman and Graves

circuit courts; and for other purposes.

An act to establish an election precinct in the town of Ghent, in Gallatin county, and for other purposes.

An act to authorise the insertion of advertisements in "The Record of the Times."

An act for the benefit of the Grand Lodge of Kentucky.

An act to repeal the law concerning roads, so far as it relates to Bracken county, approved January 29th, 1820.

An act to establish an election precinct in Shelby county.

An act to authorise the Trustees of the African Church in Lexington, to convey a house to Sarah Sayre.

An act for the benefit of John A. and Charles A. Bailey. An act to establish the Shelbyville Library Company.

And had found the same truly enrolled;

That said bills had been signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to

the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Mr. Harris presented the petition of Israel Rose, praying a divorce from his wife, Polly Rose;

Which was received and referred to the committee of religion.

Mr. Daviess read and laid on the table a preamble and resolutions concerning the Virginia Military and Treasury Warrant Land Claims, where the lands have been taken by other claims, and the right of the proprietors to be compensated for the loss out of the vacant lands ceded by Virginia to the United States.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills from the House of Representatives, entitled,

An act to authorise an additional term for the trial of criminals in the Fayette circuit court.

An act for the benefit of the Sheriffs of certain counties.

Reported the same with their opinion that they ought not to pass.

And the question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. W. Owsley from the same committee, to whom was referred bills from the House of Representatives, entitled,

1. An act to amend the law authorising the sale of infants' estates.

2. An act for the benefit of Augusta College.

3. An act to change the venue in the cases of Thomas and P. S.

4. An act authorising the guardian of the heirs of Corbin Dor-

sey to sell a negro woman.

5. An act to appoint Trustees for the town of Williamstown, and for other purposes.

Reported the sume with an amendment to the third bill, and with

their opinion that the said bills ought to pass.

The said amendment was amended and concurred in.

The second bill was referred to the committee of finance; and the others were ordered to be read a third time.

The yeas and nays being required on reading the first bill a third

time, by Messrs. Daviess and Chinn, were as follows, viz:

YEAS-Messrs. Bibb, Bramlette, Brown, Chinn, Clark, Coffey, Cunningham, Grider, Guthrie, Harris, Heady, James, McDonald, McHenry, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Southgate, Thornton, Wingate, Young-23.

NAYS-Messrs. Beaseman, Boyd, Conner, Daviess, Dejarnatt, Gholson, Gilbert, Griffith, Murrell, Sisk, Taylor, Willis-12.

The rule of the Senate, constitutional provision, and third reading of the third, fourth and fifth bills having been dispensed with:

Resolved, That the said bills, the third as amended, do pass, and

that the titles thereof be as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred bills of the following titles, viz:

1. A bill to amend the law authorising the change of venue in

civil cases.

2. A bill to explain the powers of the several county courts in this Commonwealth.

3. A bill to appoint an additional justice of the peace in the county of Gallatin.

Reported the same with amendments to each, which were twice read and concurred in.

Ordered, That the said bills be engrossed, and read a third time,

the second and third on to-morrow.

The rule of the Senate, constitutional provision, and third reading of the first bill, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. W. Owsley from the same committee to whom was referred a bill providing a more speedy remedy for recovering the possession of real and leasehold estates, sold under execution, reported the same with an amendment, which was concurred in-

The said bill was placed in the orders of the day, and the public printer was ordered to print one hundred and fifty copies thereof,

for the use of the general assembly.

Mr. W. Owsley from the same committee, made the following

report, viz:

Resolved, That the petition of William Hayden, praying for the passage of a law authorising the sale of real estate belonging to the heirs of James Hayden, deceased, be rejected.

Which was twice read and concurred in.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. W. Owsley from the committee of courts of justice—1. A bill for the benefit of the heirs of James Y. Kelly, deceased.

2. A bill for the benefit of the heirs of William Dorten, dec'd.

By Mr. Guthrie from the committee of finance—3. A bill requiring Clerks to renew their bonds; and authorising motions against defaulting Sheriffs and Clerks, at the June term 1834, of the general court.

By Mr. Taylor from the committee of finance-4. An act for

the benefit of the Cumberland Hospital.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the second, third and fourth bills, having been dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, and that the titles thereof

be as aforesaid.

Mr. Guthrie from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, an act giving further time to Sheriffs in this Commonwealth to file their delinquent lists, reported it without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Taylor from the same committee to whom was referred a bill from the House of Representatives entitled, an act for the benefit of Charles F. Wing and Barnett Eades, reported the same without amendment.

Ordered, That it be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. Taylor from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of William Shackelford, reported the same with the opinion of the committee, that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McHenry

and Willis, were as follows, viz:

YEAS—Messrs. Chinn, Coffey, Cunningham, Gilbert, Grider, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, Parks, Prince, Sisk, Southgate, Willis, Wingate, Young—19.

NAYS—Messrs. Beaseman, Boyd, Bramlette, Clark, Daviess, Dejarnatt, Gholson, Griffith, Guthrie, H. Owsley, W. Owsley, Tay-

lor, Thornton-13.

Mr. Taylor from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act to authorise the Clerk of the Wayne county court to transcribe certain records in his office, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed

to.

Mr. Southgate from the committee of internal improvements, to whom was referred, a bill authorising the erection of a bridge across Main Licking river, at or near its junction with the Ohio river, reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

A message was received from the Governor, by Mr. Sanders, Secretary of State; announcing that the Governor did, on the fifth instant, approve and sign enrolled bills which originated in the Senate, of the following titles, viz:

An act to change the place of voting in one of the precincts in

Cumberland county.

An act providing for the appointment of an additional constable in the county of Adair.

An act for the benefit of Jacob Spaw, and his children.

An act amendatory to an act approved January 28th, 1833, to authorise the Bourbon county court to levy a tax on the lands of the county.

An act to amend the charter of the Bank of Louisville.

An act granting certain powers to the Lincoln, Adair and Casey county courts.

An act declaring Goose creek navigable from Col. Garrard's

Salt Well, to the mouth of Otter creek.

An act to alter the time of holding certain courts.

An act for the benefit of Sophia Griggs.

An act further to regulate the town of Eddyville.

An act to establish a road from Harrodsburg to Taylorsville.

An act to amend the law in relation to the erection of a bridge across Rockcastle river.

An act to amend an act entitled, an act to add a part of the lands of Richard Forrest to the town of Lebanon, approved, No-

vember 15th, 1831, and for other purposes.

A message was received from the House of Representatives, announcing the passage of a bill which originated in that House, entitled an act to amend the penal laws of this Commonwealth, and the better to guard the right of suffrage, and freedom of elections therein.

And that they had concurred in a resolution adopting an addi-

tional joint rule of both Houses.

The Senate resumed the consideration of a bill to increase the revenue.

Mr. Wingate, with the leave of the Senate, withdrew the amendment proposed by him yesterday.

Mr. Murrell moved to amend the said bill, by adding thereto the

following section, viz:

Be it further enacted, That spayed heifers and steers over three years old shall be listed for taxation as other property.

Mr. Thornton moved to amend the said amendment so as to read

thus:

Be it further enacted, That spayed heifers and steers over three years old, and every other description of cattle (except one cow and calf to each family,) and hogs and sheep, money on loan, and whiskey and tobacco, shall be listed for taxation as other property.

Mr. Guthrie then moved the previous question: and the question being taken, "shall the main question be now put," it was decided

in the negative.

The yeas and nays being required thereon by Messrs. Willis and

Guthrie, were as follows, viz:

YEAS—Messis. Bibb, Boyd, Brown, Chinn, Clark, Conner, Daviess, Dejarnatt, Griffith, Guthrie, Harris, H. Owsley, W. Ows-

ley, Parks, Prince, Taylor, Thornton—17.

NAYS—Messrs. Beaseman, Bramlette, Coffey, Cunningham, Gholson, Gilbert, Grider, Heady, James, McDonald, McHenry, Murrell, Nuttall, Roberts, Sisk, Southgate, Willis, Wingate, Young—19.

The question was then taken on adopting the amendment pro-

posed by Mr. Thornton, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Thornton and Willis, were as follows, viz:

YEAS—Messrs. Daviess, Thornton, Young—3.

NAYS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Dejarnatt Gholson,

Gilbert, Grider, Griffith, Guthrie, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Sisk, Southgate, Taylor, Willis, Wingate—32.

The amendment proposed by Mr. Murrell was then modified by

him to read thus:

Be it further enacted, That hereafter, there shall be paid on cattle the same ad valorem tax to which horses are, or shall be subjected; and that every person shall include in his or her list of taxable property, his or her cattle, except to the value of fifty dollars, in the same manner, and under the same regulations that horses are now required to be listed for taxation.

And the question being taken on adopting the said amendment,

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murrell

and McDonald, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Chinn, Clark, Coffey, Cunningham, Daviess, Gholson, Grider, Heady, McDonald, McHenry, Murrell, Nuttall, Parks, Prince, Sisk, Southgate, Thornton, Willis, Wingate, Young—24.

NAYS-Messrs. Brown, Conner, Dejarnatt, Gilbert, Griffith,

Guthrie, Harris, H. Owsley, W. Owsley, Taylor-10.

Mr. Willis moved to amend the said bill by adding thereto the

following sections, viz:

Be it further enacted, That, from and after the passage of this act, in addition to the articles of property now subject to taxation, each and every person giving in his, her or their list of taxable property, shall on oath, render a true and faithful account of all money, bank notes at their current value, and all stocks in any companies or corporations in this Commonwealth, which declare an annual dividend, equal to six per cent per annum, except bank stocks which are now taxed by law; and which money, bank notes or stocks, he, she or they may own and be in the possession of at the time of taking the same for taxation; and the said commissioners shall enter such list (after having first valued the same,) on his book for taxation.

Be it further enacted, That it shall be the duty of each and every president of the corporations hereby required to pay tax on their stock, to list the stock thereof with the commissioners of tax in the respective counties in which such president or presidents reside; and shall give on oath, an account of the annual profits of such corporation, and the per cent received on its stock; and for a failure to give in such list, the said president or presidents, shall be liable out of his own estate, to such fines and forfeitures as other persons now are liable to, and to be proceeded against in like manner.

Be it further enacted, That the property of each and every corporation, hereby required to pay tax on its stock, shall be liable to

distress and seizure to satisfy the tax due thereon.

Mr. Thornton moved to amend the first section of the said proposed amendment, by inserting after the word money, printed in italics, the words "on hand and lent out."

Mr. Brown moved the previous question; and the question being taken, "shall the main question be now put," it was decided in the

affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Brown, were as follows, viz:

YEAS—Messrs. Beaseman, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Daviess, Dejarnatt, Gholson, Gilbert, Grider, Griffith, Guthrie, Harris, H. Owsley, W. Owsley, Parks, Prince, Taylor—21.

NAYS—Messrs. Bibb, Heady, James, McDonald, McHenry, Murrell, Nuttall, Sisk, Southgate, Thornton, Willis, Wingate,

Young-13.

The question was taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

McDonald, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Bramlette, Brown, Chinn, Clark, Coffey, Cunningham, Daviess, Gholson, Grider, Griffith, Guthrie, Harris, Heady, McDonald, H. Owsley, W. Owsley, Parks, Prince, Taylor, Young—22.

NAYS—Messrs. Conner, Dejarnatt, Gilbert, James, McHenry, Murrell, Nuttall, Sisk, Southgate, Thornton, Willis, Wingate. 12.

The Speaker laid before the Senate, a letter and memorial of Leonard Jones, on behalf of his friends, the subjects of endless life, praying a lease on some of the Islands in the Mississippi, for the life natural of the Rev. Dr. Alexander McDaniel: which letter and memorial were laid on the table.

And then the Senate adjourned.

FRIDAY, FEBRUARY 7, 1834.

The Senate assembled.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills and a resolution of the following titles, viz:

An act to authorise the opening of a road from Flatrock, in Bourbon county, by way of Sharpsburg, in Bath county, to Ow-

ingsville.

An act for the benefit of Margaret Gorman.

An act for the benefit of Simon, a negro man slave of Charles Roseberry.

An act to establish an election precinct in the county of Union, and to change the place of voting at a precinct in the county of Mccracken.

An act for the benefit of the London Seminary in Laurel county. An act to establish a turnpike road company from Pikeville to

the Virginia State line, at or near the head of Elkhorn.

An act allowing an additional constable to the county of Gallatin.

An act to allow an additional justice of the peace in Greenup county.

An act to enlarge the constable's district for the town of Mon-

ticello.

An act to regulate the number of justices of the peace in the county of Mercer.

An act for the benefit of Sarah Blackford, and the infant heirs of

John Blackford.

An act to establish the town of Mills Point, in the county of Hickman, and for other purposes.

An act for the benefit of Samuel Woodson, Clerk of Hopkins

county.

An act to protect the settlers in the land district West of the Tennessee river.

A resolution to procure certain surveys of the rivers in this Com-

monwealth.

And had found the same truly enrolled:

That said bills and resolution had been signed by the Speaker

of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Prince reported that the committee had

performed that duty.

A message was received from the House of Representatives, announcing the passage of bills which originated in that House of the following titles, viz:

An act to improve the navigation of Muddy river.

An act to provide for the appointment of commissioners for the counties of Butler and Muhlenburgh, in addition to those appointed for the improvement of Green river, by an act, approved February 2d, 1833.

An act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Straight creek, in

Harlan county, and for other purposes.

An act to authorise an additional subscription on the part of the Commonwealth, in the Stock of the Board of Internal Improvements for Franklin county.

An act prescribing the mode of contesting the elections of repre-

sentatives to the Congress of the United States.

An act to incorporate the Green river Turnpike Road Company. An act for the benefit of the constables of Scott county.

An act for the benefit of Mary Ann Forrester.

An act to establish an election precinct in Garrard county.

An act to change the place of voting at Christiansburg, Shelby county.

An act for the benefit of the 38th and 35th Regiments Kentucky

Militia.

An act concerning the estates of Lunatics and Idiots.

An act for the benefit of Wm. B. Cook. An act for the benefit of James Buchannon.

An act for the benefit of the Mechanics of the towns of Coving-

ton and Newport. An act for the benefit of Eliza Boyd.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act to amend the law concerning executions.

An act appropriating some of the vacant lands in certain counties for the improvement of their roads.

An act to amend an act entitled, "an act to incorporate the Lou-

isville Hotel Company."

An act to incorporate the Galt House Company.

With amendments to the three first bills.

That they had received official information that the Governor did, on the 4th instant, approve and sign enrolled bills which originated in the House of Representatives, of the following titles, viz:

An act to extend the boundaries and jurisdiction of the town of

Paducah.

An act to repeal an act approved January 14th, 1833, entitled, "an act to authorise the trustees of the Newport Seminary, to sell their donation lands, and for other purposes."

And a joint resolution originated in the same House, entitled, a resolution appointing a committee to digest the Militia Laws of

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to regulate the terms of certain circuit courts, and for other purposes, reported the same with amendments, which were concurred in, and the bill was further amended and ordered to be read a third time.

The memorial of Leonard Jones, presented yesterday, was taken up and referred to the committee of propositions and grievances.

Mr. W. Owsley from the committee of courts of justice, to whom was referred bills of the following titles, viz:

A bill for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

A bill concerning the town of Alexandria, in Campbell county. Reported the same without amendment.

Ordered, That the said bills be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being

engrossed:

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Wingate from the committee of religion, made the follow-

ing report, viz:

Resolved, That the petition of Lavina Nelson, praying a divorce from her husband, Andrew M. Nelson, be rejected.

Which resolution was concurred in.

Mr. Wingate from the committee of religion, to whom was referred bills from the House of Representatives of the following titles, viz:

An act for the benefit of Reuben Kemp.

An act to divorce Lavina Off.

Reported the same with the opinion of the committee, that they

ought not to pass.

The question being taken on reading them a second time, it was decided in the negative, and so the said bills was disagreed to.

Mr. Wingate from the same committee, to whom was referred bills from the House of Representatives of the following titles, viz:

Anact for the benefit of Amelia S. Barnes. An act for the benefit of Isabella Rowland.

Reported the same with their opinion that they ought not to pass.

The first was laid on the table, and the question being taken on reading the second bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate

and Willis, were as follows, viz:

YEAS—Messrs. Beaseman, Boyd, Bramlette, Clark, Daviess, Gilbert, Harris, Heady, McDonald, McHenry, Murrell, Parks, Roberts, Sisk, Southgate, Willis, Young—17.

NAYS—Messrs. Bibb, Brown, Chinn, Coffey, Dejarnatt, Griffith, Guthrie, Nuttall, H. Owsley, W. Owsley, Taylor, Thornton, Win-

gate-13.

Mr. Clark from the committee of internal improvements, to whom was referred, a bill to incorporate a Dock Company at Smithland, reported the same without amendment.

Ordered, That it be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Taylor from the committee of finance, to whom was referred a bill for the benefit of Spencer and Laurel county Seminaries, reported the same with an amendment, which was concurred in. Ordered, That said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Chinn from the committee of education, to whom was referred, a bill from the House of Representatives, entitled, an act to appoint trustees to the Union School in Caldwell county, and to make them a corporate body, reported the same with amendments, which were concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third read-

ing of the said bill, having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that the title thereof be amended by adding thereto, 'and for other purposes.'

On the motion of Mr. W. Owsley-

Resolved, That the judiciary committee take into consideration the propriety of purchasing some additional sets of the Reports of the Decisions of the Court of Appeals, for distribution among the officers of the State, and report by bill or otherwise.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Guthrie-

1. A bill to repeal the 5th section of the act, entitled, an act to regulate endorsements on executions, approved December 25th, 1820.

2. A bill to regulate the emancipation of slaves.

3. A bill to incorporate the Mechanics' Fire Engine and Hose Company.

4. A bill more effectually to secure Shipwrights, and others, in

their claims on steam boats and other vessels.

On the motion of Mr. Murrell-

5. A bill regulating the number of justices of the peace of Barren county.

On the motion of Mr. Thornton-

6. A bill to authorise the Bourbon circuit court, to sell the undivided interest of William Fisher, an idiot, in a small tract of land.

Messrs. Guthrie, W. Owsley and Daviess, were appointed a committee to prepare and bring in the first; Messrs. Guthrie, Prince, Southgate and Thornton, the second; Messrs. Guthrie, W. Owsley and Dejarnatt, the third; Messrs. Guthrie, Clark and Roberts, the fourth; Messrs. Murrell, Grider and Bibb, the fifth; and the committee of courts of justice was directed to prepare and bring in the The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. Taylor from the committee of finance—1. A bill to provide for the payment of subscriptions and appropriations to objects of internal improvement.

By Mr. Thornton—2. A bill to establish an election precinct in Bourbon county, and authorising the court to appoint a constable.

By Mr. Murrell—3. A bill to improve the navigation of Big Barren river.

By Mr. Bibb—4. A bill to amend an act, entiled, an act to incorporate the Franklin Insurance Company.

By Mr. McDonald--5. A bill providing for the erection of a

Bridge across the Beech Fork, in Washington county.

By Mr. Guthrie—6. A bill to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved, December 25th, 1820.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, third, fourth and fifth bills, and the second and third readings of the second and sixth, having been dispensed with, and the second and sixth being engrossed:

The first and fourth were referred to the committee of courts of justice; the third, to the committee of finance; and the fifth, to the

committee of internal improvements.

Resolved, That the second and sixth bills do pass, and that their

titles be as aforesaid.

A bill from the House of Representatives, entitled, an act to change the name of Alonzo P. Buck,

Was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

A bill from the House of Representatives, entitled, an act to increase the revenue, was read the third time, as amended.

Mr. Thornton moved to amend the said bill by adding thereto

the following engrossed clause by way of ryder, viz:

Be it further enacted, That the commissioners of tax, shall hereafter open a column in their books, and each person giving in a list of taxable property, shall state on oath, what he or she may consider himself or herself worth, in estate or effects, within this Commonwealth, after the payment of their debts, over and above the property or estate listed by them for taxation, and if the same shall exceed one hundred dollars, then it shall be entered in said column, and be subject to the same rate of taxation with the property specially listed.

And the question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Thornton, were as follows, viz:

YEAS—Messrs. Chinn, Clark, Coffey, Cunningham, Grider, James, McDonald, McHenry, Murrell, Nuttall, H. Owsley, Prince, Roberts, Southgate, Thornton, Willis, Wingate, Young—18.

NAYS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Daviess, Dejarnatt, Gilbert, Griffith, Guthrie, Harris, Heady, W.

Owsley, Parks, Sisk, Taylor-16.

The said bill, as amended, is as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Sheriffs of this Commonwealth, to collect upon the valuation contained in the commissioners' returns for the present year, and every year thereafter, at the rate of Ten cents for every hundred dollars contained in the valuation of each individual's land, and other property, subject to taxation; and that the taxes to be collected upon the lands of non-residents, shall be charged and collected at the same rate.

§ 2. Be it further enacted, That hereafter, there shall be paid on cattle the same ad valorem tax to which horses are, or shall be subjected; and that every person shall include in his or her list of taxable property, his or her cattle, except to the value of fifty dollars, in the same manner, and under the same regulations that horses

are now required to be listed for taxation.

§ 3. Be it further enacted, That the commissioners of tax, shall hereafter open a column in their books, and each person giving in a list of taxable property, shall state on oath, what he or she may consider himself or herself worth, in estate or effects, in this Commonwealth, after the payment of their debts, over and above the property or estate listed by them for taxation; and if the same shall exceed one hundred dollars, then it shall be entered in said column, and be subject to the same rate of taxation with the property specially listed.

The question being taken on the passage of the said bill, as

amended, it was decided in the negative.

The Senate being equally divided, the Speaker voted in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. W. Owsley

and Dejarnatt, were as follows, viz:

YEAS—Messrs. Boyd, Chinn, Coffey, Cunningham, Grider, Guthrie, Harris, Heady, McDonald, H. Owsley, Prince, Roberts, Taylor, Thornton, Willis, Wingate, Young—17.

NAYS—Messrs. Beaseman, Bibb, Bramlette, Brown, Clark, Daviess, Dejarnatt, Gilbert, Griffith, James, McHenry, Murrell, Nuttall, W. Owsley, Parks, Sisk, Southgate—17.

A bill from the House of Representatives entitled, an act for the benefit of the 38th and 35th regiments Kentucky Militia,

Was read the first time, and ordered to be read a second time. The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of finance.

A bill regulating the tax on merchandize, was read the second

time, and referred to the committee of finance.

On the motion of Mr. Coffey-

Leave was given to bring in a bill to legalize the proceedings of the Casey county court, at their last March and April terms, and Messrs. Coffey, Bramlette and Prince, were appointed a committee to prepare and bring in the same.

And then the Senate adjourned.

SATURDAY, FEBRUARY 8, 1834.

The Senate assembled.

Mr. James presented the petition of Nancy Hutchinson, widow of John Hutchinson, deceased, praying for the passage of a law authorising the sale of a quarter section of land in Graves county, of which her said husband died seized, for the purpose of paying his debts, which was received and referred to the committee of courts of justice.

The messages in writing received from the Governor on the 22d,

23d and 29th ultimo, were taken up and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, the following named officers, who have received commissions pro. tem. since the adjournment of the last Legislature, to be commissioned to fill the offices respectively annexed to their names, viz:

James Roberts, Major General of the 6th Division, in the place

of James W. Dabney, deceased.

William Kinkade, Inspector of the 6th Division, in the place of Daniel McClelland, deceased.

Robert Hunter, Division Quarter Master of the 6th Division, in

place of G. W. Watts, resigned.

William Field, Division Quarter Master of the 11th Division. George Howell, Brigade Quarter Master of the 1st Brigade, in place of E. G. Howell, removed.

George Boswell, Brigadier General of the 2nd Brigade, in place

of James Roberts, promoted.

Owen D. Winn, Brigade Quarter Master of the 5th Brigade, in place of Jos. H. Rogers, removed.

William Bickley, Brigade Quarter Master of the 7th Brigade.

William Miller, Brigadier General of the 8th Brigade, in place of Robert B. McAfee, resigned.

William H. Lacy, Brigade Quarter Master of the Sth Brigade, in place of William B. Booker, resigned.

William Cecil, Brigade Quarter Master of the 14th Brigade, in

place of William Williams, removed.

Henry Black, Brigadier General of the 17th Brigade, in place of John Newman, who had absented himself for more than one year, from his Brigade.

Joseph Hughes, Brigadier General of the 19th Brigade, in place

of Joseph R. Delaney, deceased.

John C. Mullay, Brigade Quarter Master of the 26th Brigade. Richard B. New, Brigadier General of the 27th Brigade, in place of John J. Dyer.

Henry Roberts, Brigade Quarter Master of the 27th Brigade.

I. L. Murry, Brigade Quarter Master of the 28th Brigade.

Thomas Mitchell, Brigade Quarter Master in the place of Daniel McCalister, who refused to qualify.

Peter Able, Major of the 2d Regiment, in place of Benjamin

Read, removed.

Jacob J. Lindle, Lieut. Colonel of the 2d Regiment, in place of Jno. Montgomery, resigned.

Garret Vandique, Lieut. Colonel of the 4th Regiment, in place

of Cary Vancleave, resigned.

Cornelius Raleigh, Major of the 4th Regiment in the place of Washington Beall, refused to accept.

George W. Darnaby, Colonel of the 8th Regiment, in place of John K. Dunlap, resigned.

Edward Darnaby, Lieut. Colonel of the 8th Regiment.

Neil McCann, Major of the 8th Regiment, in place of Edward Darnaby, promoted.

John Harris, Colonel of the 13th Regiment, in the place of Jo-

seph Reveal, resigned.

Hillary Chaney, Lieut. Colonel of the 13th Regiment, in place of James Henderson.

Robert Burnes, Major of the 13th Regimant, in place of Hillary Chaney, promoted.

G. W. Bush, Major of the 17th Regiment, in place of Zachariah Hazzard, promoted.

John Swansey, Colonel of the 24th Regiment, in place of Joseph Hughes, promoted.

Robert Coffield, Lieut. Colonel of the 24th Regiment, in place

of John Swansey, promoted.

Richard Miles, Major of the 24th Regiment, in place of R. Coffield, promoted.

William Reed, Colonel of the 29th Regiment, in place of Thomas Hord, deceased.

James McKee, Colonel of the 31st Regiment, in place of John

Williams, resigned. Jeremiah C. Orear, Lieutenant Colonel of the 31st Regiment, in

place of Josiah Davis, resigned Milton Jamison, Major of the 31st Regiment, in the place of

James McKee, promoted.

Joseph Bowman, Colonel of the 32d Regiment, in the place of

Edward Hessey, resigned.

H. C. M. Cartmill, Lieutenant Colonel of the 32d Regiment, in place of Joseph Bowman, promoted.

John H. Myers, Major of the 32d Regiment, in place of H. C. Cartmill, promoted.

George Smith, Colonel of the 33d Regiment, in place of James W. Taylor, resigned.

Charles D. Ward, Lieutenant Colonel of the 33d Regiment, in place of George Smith, promoted.

Benoni L. Lackland, Major of the 33d Regiment.

Washington Gowen, Lieutenant Colonel of the 37th Regiment, in place of Jno. F. Davis, promoted.

Preston Allen, Major of the 37th Regiment in place of Washing-

ton Gowen, promoted. Thomas B. Hancock, Lieutenant Colonel of the 38th Regiment,

in place of I. P. Hill, promoted. Richard Good, Major of the 38th Regiment, in place of T. B.

Hancock, promoted. John A. Davenport, Colonel of the 43d Regiment, in place of William Miller, promoted.

Samuel Eccles, Lieutenant Colonel of the 43d Regiment, in place

of J. A. Davenport, promoted.

Francis Mahan, Major of the 43d Regiment, in place of Samuel Eccles, promoted.

Daniel F. James, Colonel of the 44th regiment, in place of Wil-

liam Herrin, resigned.

Joshua Taylor, Lieutenant Colonel of the 44th Regiment, in place of Jos. Maderip, resigned. Abel Galleland, Major of the 44th Regiment, in place of D. F.

James, promoted.

Hiram Rowe, Colonel of the 52d Regiment, in place of G. F. Harris, resigned.

James Jones, Colonel of the 53d Regiment, in the place of J.

R. Dodson, resigned.

William Davis, Lieutenant Colonel of the 53d Regiment, in place of J. Jones, promoted.

John Ryan, Major of the 53d Regiment, in place of G. S. Duncan, resigned.

Jesse Stephens, Colonel of the 55th Regiment, in place of Jos. W. Fowler, refused to qualify.

John Wilson, Lieutenant Colonel of the 55th Regiment, in place

of Jesse Stephens, promoted.

James B. Lasscan, Major of the 55th Regiment, in place of Joshua Gore, refused.

Pharmer Lasley, Colonel of the 56th Regiment, in place of Geo.

Powell, resigned.

John Boling, Lieutenant Colonel of the 56th Regiment, in place

of P. Lasley, promoted.

James Weddington, Major of the 56th Regiment, in place of William Manard, removed.

Jacob F. Collier, Colonel of the 57th Regiment in place of Bur-

dett Kemper, resigned.

William Myers, Lieutenant Colonel of the 57th Regiment, in place of Isaac Myers, resigned.

Samuel Tillett, Major of the 57th Regiment, in place of Jacob

F. Collier, promoted.

Archibald S. Letcher, Colonel of the 60th Regiment, in place of

Daniel Lamkin, removed. John M. Larue, Lieutenant Colonel of the 60th Regiment, in

place of Wm. Prater, resigned. Alfred F. Sturgeon, Major of the 60th Regiment, in place of

A. S. Letcher, promoted.

John Cole, Colonel of the 61st Regiment, in place of Thomas Sterrett, promoted.

William Cotton, Lieutenant Colonel of the 61st Regiment, in

place of John Cole, promoted.

Enoch Floyd, Major of the 61st Regiment, in place of James

Hendricks, resigned.

Samuel E. Carpenter, Lieutenant Colonel of the 64th Regiment,

in place of George W. Mansfield, promoted.

William Waggle, Major of the 64th Regiment, in place of S. E. Carpenter, promoted.

Simeon N. Hines, Major of the 66th Regiment, in place of John

Ranear, refused to qualify.

Daniel Higgins, Lieutenant Colonel of the 70th Regiment. Cyrus Vanbibber, Major of the 70th Regiment, in place of D. Higgins, promoted.

Silas Starke, Lieutenant Colonel of the 71st Regiment, in place

of James Trabue, refused to accept.

William Nicholas, Major of the 71st Regiment, in place of Silas Starke, promoted.

Henry Dugan, Major of the 73d Regiment, in place of Willis

M. Pickett, promoted.

Edward Smith, Colonel of the 77th Regiment, in place of John K. Thomson.

John Leach, Lieutenant Colonel of the 77th Regiment, in place of S. F. Gano, resigned.

William McMillan, Major of the 77th Regiment, in place of

Edward Smith, promoted.

Leo Hardy, Lieutenant Colonel of the 83d Regiment, in place

of Henry Threlkeld, resigned.

Willis F. Delaney, Major of the 83d Regiment, in place of Thomas A. Brooking, resigned.

Aaron Endecott, Major of the 86th Regiment, in place of Wes-

ley Roberts.

William Hardin, Major of the 88th Regiment, in place of J. S. Chilton, resigned.

David Adkins, Major of the 89th Regiment, in place of M. D.

Snider, promoted.

McGehee McLean, Major of the 91st Regiment.

James Ewing, Colonel of the 93d Regiment, in place of Wm. W. Bailey, removed.

Edmund Cheatham, Major of the 93d Regiment, in place of

Hiram Royce, refused.

N. H. Parish, Lieutenant Colonel of the 94th Regiment, in place

of J.B. Preston, deceased.

P. H. Slinberger, Major of the 94th Regiment, in place of N. H. Parish, promoted.

William N. Marshall, Colonel of the 99th Regiment, in place

of Thomas H. Gaines, resigned.

Samuel Marshall, Lieutenant Colonel of the 99th Regiment, in place of Wm. N. Marshall, promoted.

Reason Davis, Major of the 99th Regiment, in place of Samuel

Marshall, promoted.

Aylett H. Buckner, Colonel of the 101st Regiment, in place of Benjamin Copelin, resigned.

Roger Jones, Lieutenant Colonel of the 101st Regiment, in place

of A. H. Buckner, promoted.

John Bowman, Major of the 101st Regiment, in place of Roger Jones, promoted.

Squire H. Boone, Colonel of the 102d Regiment, in place of R. B. New, promoted.

Thompson M. Ewing, Lieutenant Colonel of the 102d Regi-

ment, in place of S. H. Boone, promoted.

Joel B. Hume, Major of the 104th Regiment, in place of Jas. Hampton, resigned.

William Barr, Colonel of the 106th Regiment, in place of John P. Porter, resigned.

William P. Hart, Lieutenant Colonel of the 106th Regiment, in place of William Barr, promoted.

Lewis A. Berry, Major of the 106th Regiment, in place of Wm. P. Hart, promoted.

Joseph R. Ward, Colonel of the 110th Regiment, in place of Isaac Botts, resigned.

William Moore, Lieutenant Colonel of the 110th Regiment, in place of Joseph R. Ward, promoted.

Thomas Lemaster, Major of the 110th Regiment, in place of William Moore, promoted.

Lewis Gray, Lieutenant Colonel of the 112th Regiment, in place

of Mathias Travis, refused.

Daniel S. Cargill, Major of the 112th Regiment, in place of Lewis Gray, promoted.

Thomas F. Hazelrigg, Colonel of the 115th Regiment, in place of Lewis Power, resigned.

John L. Oakley, Lieutenant Colonel of the I15th Regiment, in place of T. F. Hazelrigg, promoted.

Samuel S. Dennis, Major of the 115th Regiment, in place of J.

S. Oakley, promoted.

Michael Souther, Colonel of the 116th Regiment, in place of Isaac R. Smith, refused.

James F. Wilson, Lieutenant Colonel of the 116th Regiment, in place of Michael Souther, promoted.

John Connyers, Major of the 116th Regiment, in place of James

F. Wilson, promoted. Gustavus A. Flournoy, Colonel of the 118th Regiment, in place

of Thomas J. Flournoy, refused.

John Potter, Lieutenant Colonel of the 118th Regiment, in place of R. Fletcher, refused.

Thomas Collier, Major of the 118th Regiment, in place of N. Nailor, refused.

David Meriwether, Colonel of the 122d Regiment, in place of Wm. H. Randall, refused.

David Standeford, Major of the 122d Regiment, in place of A. Hikes, resigned.

James Cooper, Lieutenant Colonel of the 123rd Regiment, in place of L. Lea, refused.

Daniel Philips, Major of the 123d Regiment, in place of J. Cooper, promoted.

Henry Dixon, Colonel of the 127th Regiment,-New Regiment formed—Asa B. Gardner, Lieutenant Colonel, and Martin H. Webb, Major of the same.

January 22nd, 1834.

JOHN BREATHITT.

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, the following named officers, to be commissioned to fill the offices respectively annexed to their names, viz:

Peter Dupaw, to be Colonel of the 6th Regiment, in place of Gabriel Lackey, removed.

Alexander Helm, Lieutenant Colonel of the 6th Regiment, in place of Peter Dupaw, if promoted.

Robert Miller, to be Major of the 6th Regiment, in place of

Alexander Helm, if promoted.

William Jackson, Colonel of the 75th Regiment, in place of

William Farris, resigned.

Lemuel Hebbard, Lieutenant Colonel of the 75th Regiment, in place of William Jackson, if promoted.

John Morris, Major of the 75th Regiment, in place of Lemuel

Hebbard, if promoted.

William Campbell, Colonel of the 40th Regiment, in place of

Henry Black, promoted.

William C. McNary, to be Lieutenant Colonel of the 40th Regiment, in place of William Campbell, if promoted.

Mosley P. Wells, Major of the 40th Regiment, in place of W. C.

McNary, if promoted.

S. W. Wing, Brigade Quarter Master of the 17th Brigade.

January 23, 1834.

JOHN BREATHITT.

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, the following named officers, to be commissioned to fill the offices respectively annexed to their names, viz:

Thomas S. Blackford, to be Colonel of the 128th Regiment,—a

new one formed.

Manley Newman, Lieutenant Colonel of the same.

Alexander C. Lindsey, Major of the same.

George P. Hill, Colonel of the 38th Regiment, in place of John Rodman, deceased.

J. F. Davis, Colonel of the 37th Regiment, in place of George Boswell, promoted.

January 29th, 1834.

JOHN BREATHITT.

Resolved, That the Senate advise and consent to the appointments of the persons as nominated, except to those of Henry Black, late Brigadier General of the 17th Brigade.

Preston Allen, to be Major of the 37th Regiment.

William Campbell, to be Colonel of the 40th Regiment.

William C. McNary, to be Lieutenant Colonel of the 40th Regiment.

Moseley P. Wells, to be Major of the 40th Regiment.

S. W. Wing, to be Brigade Quarter Master of the 17th Brigade. Ordered, That Mr. Harris inform the Governor thereof.

The nominations of the said Henry Black and Preston Allen, were referred to a committee of Messrs. Chinn, Conner, Cunningham, Beaseman, Roberts, Sisk, Griffith, Coffey and Thornton.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to appoint Trustees for the town of Williamstown, and for other purposes.

An act for the benefit of Charles F. Wing and Barnett Eades. An act to reduce into one, the several acts constituting Boards of Internal Improvements for Shelby and Franklin counties.

An act giving further time to the Sheriffs in this Commonweath

to file their delinquent lists.

An act to change the name of Alonzo P. Buck.

An act to encourage the publication of a new Digest of the Stattue Law of Kentucky.

An act to allow an additional constable to the county of Logan. An act to provide for reviewing, opening and establishing a road

from Frankfort to Williamstown, in Grant county.

An act to amend an act, entitled an act enlarging the town of Madisonville, in the county of Hopkins, approved, 25th January, 1827.

An act to amend the several acts to suppress the practice of duelling.

An act for the benefit of Nelson Whites, and others.

And had found the same truly enrolled;

That said bills had been signed by the Speaker of the House of

Representatives: Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to

the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had performed that duty.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred bills of the following titles, viz:

1. A bill to amend the law in relation to proceedings in civil actions. 2. A bill to provide for the payment of subscriptions and appro-

priations to objects of Internal Improvements.

Reported the same with an mendment to each. The said amendments were concurred in, and the said bills ordered to be engrossed and read a thrid time; the former on Mon-

day next. The rule of the Senate, constitutional provision, and third reading of the second bill having been dispensed with, and the same be-

ing engrossed, Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. W. Owsley from the same committee, to whom was referred bills from the House of Representatives, entitled,

An act for the benefit of the heirs of John Gray, deceased.

An act to establish the town of Feliciana, in Graves county.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, and that the titles thereof be

as aforesaid.

On the motion of Mr. W. Owsley-

The committee of courts of justice was discharged from the further consideration of so much of the Governor's Message as relates to the distribution of the sale of a tract of 4000 acres of land binding on the Mississippi river, including the town of Columbus, to them referred, on the 6th ultimo.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill to regulate constables, reported the same with-

out amendment.

It was amended, and reads thus:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be lawful for any constable, directly in his own name, or indirectly in the name of any other person, to purchase any note, account, judgment, execution, claim or demand, placed in his hands for collection, or offered to him for collection; or any claim or demand within the jurisdiction of a justice of the peace; nor shall it be lawful for any constable to loan or advance any money or other thing, on any such claim or demand, or to take or agree to take from any person owing any such claim or demand, any compensation to forbear the prompt collection thereof, or to take or agree to take from the owner of any such claim or demand, any compensation over and above the fees allowed by law, to be prompt and vigilant in the collection thereof.

§ 2. That any constable who may violate any of the provisions of the first section of this act, shall, for that cause, vacate his office, and the county court on the information on oath of any one of their own body, or on the affidavit of any other credible person, shall issue a summons to such constable to show cause why he shall not be removed for, and on account of such violation; and it shall be stated in the summons, the instance or instances in which the constable is charged with violating the same, and on satisfactory proof that such constable has violated any of said provisions, the court shall remove him from office, and elect an-

other competent person in his stead.

§ 3. That any note, account, judgment, execution, claim, or demand, as to which any constable shall have violated any of the provisions of the first section of this act, shall be considered as paid and discharged by such violation, and the constable shall be heldguilty of a trespass in seizing either the person or property to

enforce the collection thereof, and the person owing any judgment, as to which any of the said provisions have been violated, may at any time before the payment thereof, apply to the justice having the record in possession, for a scire facias against the constable, and the person in whose name the judgment stands, and the assignee thereof, if there be one, to show cause why satisfaction of the judgment shall not be entered because of the violation of said provisions; and if the justice shall be satisfied by satisfactory proof that any of said provisions has been violated as to such judgment, he shall enter satisfaction thereof; and any person owing the note, account, claim, or demand, not in judgment, as to which the said provisions have been violated, may apply to a justice of the peace for a scire factor against the constable and person holding the note, account, claim, or demand, to show cause why a judgment of satisfaction shall not be given of such note, claim, or demand, for and on account of such violation, and the justice, on satisfactory proof, shall enter satisfaction thereof; and it shall be lawful for any person against whom any warrant is pending for any note, account, claim, or demand as to which any of said provisions have been violated, to rely on such violation as a satisfaction of the same, and the justice, on satisfactory proof of such violation, shall enter judgment for the defendant; and the person offering the violation of the provisions of the first section of this act, as a satisfaction of any judgment, claim, or demand, shall have the right to examine the constable, original holder and assignee or assignors of any such judgment, claim, or demand, touching such violation, and the justice shall award a jury to ascertain any disputed fact under this act, on the application of either party, and an appeal shall be from the judgment of the justice as in other cases.

This act shall not take effect, until after the first day of June

next.

Mr. Conner moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the

affirmative.

The yeas and nays being required thereon by Messrs. Conner

and McDonald, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Clark, Conner, Cunningham, Griffith, Harris, Heady, McDonald, McHenry, Murrell, Nuttall, Parks, Sisk, Southgate, Taylor, Thornton, Young—19.

NAYS—Messrs. Beaseman, Bramlette, Chinn, Coffey, Grider, Guthrie, H. Owsley, W. Owsley, Prince, Roberts, Willis, Wingate

-12.

Mr. Daviess from the committee of propositions and grievances, reported a bill for the benefit of Doctor Alexander McDaniel.

The said bill was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be granted unto the Rev. Doctor Alexander McDaniel, during his natural life, one hundred and sixty acres of any of the lands west of the Tennessee river, which he may select, belonging to the state of Kentucky, upon the said McDaniel's paying into the public treasury, the sum of forty dollars. If the said McDaniel should make his selection upon lands not yet surveyed, the surveyor of Hickman shall be authorised to survey the said one hundred and sixty acres of land, according to said McDaniel's direction, and return the plat and survey thereof to the Register's Office, whose duty it shall be to issue a grant according to the foregoing stipulations—said McDaniel paying the surveyor the usual fee therefor.

And should said McDaniel make his selection upon any land not clearly known to belong to Kentucky, the grant of lease shall not issue until that matter shall be clearly settled between the state and United States, and not to interfere with any land heretofore granted by the state of Virginia, or this state, or United States, or actual settlement of any private individual; that is, leaving one hundred

and sixty acres, with the settlement near the centre.

Provided also, That, upon the death of said McDaniel, the fee simple title to the aforesaid land shall revert to and be vested in the Commonwealth of Kentucky, and the person, or persons, if any in possession thereof, under the lease hereby granted to said McDaniel, shall surrender the same to the state and remove therefrom.

Mr. Sisk moved to lay the said bill on the table until the first day

of June next.

The question being taken thereon, it was decided in the affirmative.

The year and nays being required thereon by Messrs. W. Owsley

and Guthrie, were as follows, viz:

YEAS—Messrs. Boyd, Bramlette, Brown, Chinn, Coffey, Grider, Griffith, Guthrie, Heady, McDonald, McHenry, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Taylor, Thornton, Wingate, Young—24.

NAYS-Messrs. Beaseman, Bibb, Clark, Conner, Cunningham,

Daviess, Harris, Willis—8.

Mr. Wingate from the committee of religion, to whom was referred, a bill for the benefit of the United Baptist Church at Elizabethtown, called Severns Valley,

Reported the same without amendment, with their opinion that

it ought to pass.

The said bill was referred to the committee of courts of justice. Mr. Taylor from the committee of finance, to whom was referred, a bill regulating the tax on merchandize, reported the same without amendment.

Ordered, That said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Griffith from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, an act to establish a state road from the town of Owensborough on the Ohio river, by the way of the mouth of Rough creek and Greenville, to Hopkinsville, reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Roberts-

Resolved, That the committee on education be instructed to enquire into the propriety and expediency of so amending the first section of an act, entitled, an act to encourage the general diffusion of education in this commonwealth, by the establishment of a uniform system of public schools, approved January 29th, 1830, so as to make it imperative on the county courts of this Commonwealth, to lay off their respective counties into School Districts, naming and numbering each district, and report by bill or otherwise.

A message was received from the House of Representatives, announcing the passage of bills and a resolution which originated in that House of the following titles, viz:

An act to authorise the qualified voters of Oldham, to select either West Port or Lagrange for the permanent seat of justice for that county, and for other purposes.

An act to regulate the tolls on the Sandy road.

An act to improve the navigation of Barren river, and for other purposes.

An act for the benefit of William M. Brake, and others.

A resolution fixing a day for an adjournment of the General Assembly.

That they had passed bills which originated in the Senate of the following titles, viz:

An act to encourage the manufacture of Queens-ware.

An act to appoint a keeper or keepers of the Penitentiary, and for other purposes: with amendments to the latter bill.

Mr. Guthrie having obtained leave, reported a bill authorising the Assistant Secretary of State to sign patents,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

After a short time a message was received from the House of Representatives announcing that they had passed the said bill.

The following bills were reported from the several committees

appointed to prepare and bring in the same, viz:

By Mr. W. Owsley from the committee of courts of justice—1. A bill providing for the sale of the lands of James Tutt, deceased.

By Mr. Coffey—2. A bill to legalize the proceedings of the Ca-

sey county court.

By Mr. Daviess-3. A bill to amend the law in relation to the solemnization of marriages.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second reading of the third bill having been dispensed with, it was referred to the same committee who prepared and reported it.

The rule of the Senate, constitutional provision, and second and third readings of the first and second bills having been dispensed

with, and the same being engrossed,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

Mr. Clark moved to reconsider the vote given yesterday, by which a bill from the House of Representatives, entitled, an act to increase the revenue, was disagreed to.

And the question being taken thereon, it was decided in the

affirmative.

Mr. Chinn moved to reconsider the vote adopting the engrossed ryder to the said bill, moved by Mr. Thornton.

And the question being taken thereon, it was decided in the af-

irmative.

The yeas and nays being required thereon by Messrs. Thornton

and Daviess, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Conner, Cunningham, Daviess, Grider, Griffith, Guthrie, Harris, Heady, Murrell, H. Owsley, W. Owsley, Parks, Prince, Sisk, Southgate, Taylor, Young—24.

NAYS-Messrs. Coffey, James, McDonald, McHenry, Nuttall,

Roberts, Thornton, Willis, Wingate-9.

Mr. Guthrie then moved the previous question.

And the question being taken "shall the main question be now put," it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Brown, were as follows, viz:

YEAS-Messrs. Boyd, Bramlette, Brown, Chinn, Clark, Conner, Daviess, Grider, Griffith, Guthrie, Harris, Heady, Mc-Henry, Murrell, H. Owsley, W. Owsley, Parks, Prince, Sisk, Taylor-20.

NAYS-Messrs. Beaseman, Bibb, Coffey, Cunningham, James, McDonald, Nuttall, Roberts, Southgate, Thornton, Willis, Win-

gate, Young--13.

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Thornton

and Willis, were as follows, viz:

YEAS-Messis. Beaseman, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Cunningham, Daviess, Grider, Griffith, Guthrie, Harris, Heady, McDonald, H. Owsley, W. Owsley, Parks, Prince, Taylor, Young-21.

NAYS—Messrs. Bibb, Conner, Dejarnatt, Gilbert, James, McHenry, Murrell, Nuttall, Roberts, Sisk, Southgate, Thornton,

Willis, Wingate-14.

Resolved, That the title of the said bill be as aforesaid.

The amendments of the House of Representatives, to bills from the Senate, of the following titles, were severally twice read and concurred in, viz:

An act to increase the number of justices of the peace in the

counties of Pulaski and Wayne.

An act for the benefit of the sheriff of Washington county. An act to establish two election precincts in Pulaski county. An act incorporating the Maysville insurance company.

An act appropriating some of the vacant lands in Butler, Edmon-

son and Muhlenburg counties.

An act to amend an act entitled, an act to incorporate the Louis-

ville Hotel Company.

The amendments of the House of Representatives, to a bill from the Senate, entitled, an act changing the time of holding the Logan county court, were twice read and concurred in, with an amendment.

The amendments of the House of Representatives, to a bill from the Senate, entitled, an act to amend the law concerning executions, were twice read and referred to the committee of courts

of justice.

The amendments of the House of Representatives to a bill from the Senate, entitled, an act to appoint a keeper or keepers of the Penitentiary, and for other purposes, were twice read and concurred in.

On the motion of Mr. W. Owsley, who voted in the majority, the vote concurring in the said amendments, was re-considered, and they were laid on the table.

Resolved, That the Senate recede from their amendments to a bill from the House of Representatives, entitled, an act to authorise the taking of depositions in a summary way, to perpetuate testimony.

A bill for the benefit of the heirs of James Y. Kelly, deceased, was read the second time, and ordered to be engrossed and read a

third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed;

Resolved. That the said bill do pass, and that the title thereof

be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend in part and repeal in part, an act to incorporate a company to establish a turnpike road from the city of Louisville, by the way of the Mouth of Salt River, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to

the committee of internal improvements.

And then the Senate adjourned.

MONDAY, FEBRUARY 10, 1834.

The Senate assembled.

A message was received from the House of Representatives, announcing the passage of bills which originated in the Senate, of

the following titles, viz:

An act to amend an act, to amend the law to establish a state road from the Mouth of Salt River, to intersect the state road leading from Brandenburg to Bowlinggreen, approved January 15, 1831.

An act concerning the town of Alexandria, in Campbell county. An act for the benefit of the heirs of William Dorton, deceased. An act for the benefit of the Cumberland Hospital.

An action the benefit of the Cumberland Hospital.

An act to establish an election precinct in Bourbon county, and authorising the court to appoint a constable.

An act to extend the bounds of Elizabethtown, in Hardin county, Kentucky.

An act providing for a change of venue in the prosecution against Thomas W. Harris.

With amendments to the three latter bills.

The said amendments to the latter bill, were twice read and concurred in.

And that the House of Representatives had passed bills and resolutions of the following titles, viz:

An act to incorporate the Buck Run Academy.

An act for the benefit of Jesse Waker, and others.

An act to repeal in part, and amend an act entitled, an act for the endowment of a Seminary of Learning in the town of Brandenburg, in Meade county, and for other purposes.

An act for the benefit of the Sheriff of Muhlenburg county.

An act to establish a road from Owenton to Warsaw in Gallatin county.

An act for the benefit of Edward H. Earle, and others.

A resolution proposing certain amendments to the Constitution of the United States, for the adoption of the several states.

A joint resolution directing the Secretary of State to furnish Mann Butler with copies of certain documents.

An act for the benefit of John H. Slaughter.

An act to repeal an act, entitled, an act for the benefit of the Boone Academy, approved, January 2d, 1833.

An act concerning the Troop of Cavalry attached to the 7th Re-

giment and 13th Brigade, Kentucky Militia.

And that they had disagreed to the first, and concurred in the second amendment of the Senate, to a bill from that House entitled, an act to increase the revenue.

And that they had received official information that, the Governor did, on the 7th instant, approve and sign enrolled bills, which originated in that House, of the following titles, viz:

An act to amend an act, entitled, an act for incorporating the

Hartford Bridge Company, approved December 5th, 1823.

An act to incorporate the Bowlinggreen Female Academy.

An act to improve the state road from Liberty in Casey county, to Columbia in Adair county, and for other purposes.

An act to amend an act concerning headright certificates.

An act to allow two additional justices of the peace for Muhlenburg, and for other purposes.

An act allowing to the county of Christian, an additional justice

of the peace, and for other purposes.

An act to alter the time of holding the Hickman and Graves circuit courts; and for other purposes.

An act to establish an election precinct in the town of Ghent, in Gallatin county, and for other purposes.

An act to repeal the law concerning roads, so far as it relates to Bracken county, approved January 29th, 1820.

An act to authorise the insertion of advertisements in "The Record of the Times."

An act for the benefit of the Grand Lodge of Kentucky. An act to establish an election precinct in Shelby county. An act to establish the Shelbyville Library Company.

An act for the benefit of Samuel Payne, and the heirs and representatives of John Pattie, deceased.

An act for the benefit of John A. and Charles A. Bailey.

An act for the benefit of Edward Brown.

An act to authorise the Trustees of the African Church in Lexington, to convey a house to Sarah Sayre.

And on the 8th instant, he approved and signed enrolled bills, which originated in the same House, of the following titles, viz:

An act to establish a turnpike road company from Pikeville to the Virginia State line, at or near the head of Elkhorn.

An act for the benefit of the London Seminary in Laurel county. An act to establish an election precinct in the county of Union, and to change the place of voting at a precinct in the county of McCracken.

An act for the benefit of Simon, a negro man slave of Charles Roseberry.

An act for the benefit of Margaret Gorman.

An act to authorise the opening of a road from Flatrock, in Bourbon county, by way of Sharpsburg, in Bath county, to Owingsville.

An act to amend and reduce into one the several acts constituting Boards of Internal Improvements for Shelby and Franklin counties.

An act to appoint Trustees for the town of Williamstown, and for other purposes.

An act authorising the guardian of the heirs of Corbin Dorsey to sell a negro woman.

An act for the benefit of Charles F. Wing and Barnett Eades.

An act to change the name of Alonzo P. Buck.

An act giving further time to the Sheriffs in this Commonwealth to file their delinquent lists.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to incorporate the Union School for Cumberland county.

An act to establish election precincts in Green and Mercer counties.

An act to authorise the Assistant Secretary of State to sign patents. An act increasing the number of justices of the peace in Pulaski county.

An act to appropriatie some of the vacant lands of this state to the improvements of the public highways thereof.

An act to extend the powers of the Trustees of the town of Washington, in the county of Mason.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had performed that duty.

And soon after, a message was received from the Governor, by Mr. Sanders, Secretary of State, announcing that the Governor had approved and signed said bills.

Mr. Taylor having obtained leave, reported a bill concerning the county court of Fleming, which was read the first time and

ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

On the motion of Mr. Clark-

Ordered, That a writ of election be issued to fill the vacancy occasioned by the death of William P. Fleming, late a member of the Senate from the county of Fleming; the election to be held on the first Monday in August next, and the two succeeding days.

1. Mr. Grider presented the petition of sundry citizens of Warren county, praying for the passage of a law incorporating the Wal-

nut Hill Seminary in said county.

2. Mr. McHenry presented the petition of sundry citizens of the counties of Monroe and Cumberland, praying for an appropriation of money to improve the navigation of Cumberland river.

3. Mr. Heady presented the petition of sundry citizens of the town of Mount Washington, praying an amendment to the law concerning said town, so that the money collected as tax on any one street shall be appropriated to the benefit of said street.

4. Mr. Bramlette presented the petition of sundry citizens of Cumberland county, praying for the establishment of an election

precinct in said county.

Which petitions were received and referred, the first, to the committee of education; the second, to the committee of finance; the third, to the committee of propositions and grievances; and the fourth, to the committee of privileges and elections.

Mr. W. Owsley from the committee of courts of justice, reported a bill prescribing the duty of clerks in certain cases,

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was placed in the orders of the day, and the public printer was ordered to print one hundred and fifty copies thereof, for the use of the general assembly.

Mr. Daviess from the committee to whom was referred, a bill to amend the law in relation to the solemnization of marriages, re-

ported the same with an amendment, which was concurred in, and the said bill was ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of Livingston, Caldwell and Todd counties, reported the same with amendments, which were concurred in, and the said bill was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with.

Resolved, That the said bill, as amended, do pass, and that its title be as aforesaid.

Mr. Taylor from the same committee to whom was referred a bill authorising the Louisville chancery court, reported the same with an amendment, which was concurred in,—it was further amended.

And the question being taken on engrossing the said bill and reading it a third time to-morrow, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Guthrie, were as follows, viz:

YEAS—Messrs. Bibb, Bramlette, Chinn, Clark, Daviess, Grider, Griffith, Guthrie, Harris, Heady, McDonald, Nuttall, H. Owsley, W. Owsley, Prince, Roberts, Southgate, Taylor, Thornton, Willis, Wingate—21.

NAYS—Messrs. Beaseman, Brown, Coffey, Conner, Cunning-ham, Dejarnatt, James, McHenry, Murrell, Young—10.

On the motion of Mr. James—Leave was given to bring in a bill declaring the Bayou de Chien, in Hickman county, a navigable stream from the town of Moscow to Caldwell's Mill.

Messrs. James, Conner and Young, were appointed a committee to prepare and bring in the same.

After a short time Mr. James reported the said bill which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading thereof having been dispensed with, it was referred to the committee of courts of justice.

Mr. W. Owsley from the committee of courts of justice, reported a bill for the benefit of William Fisher.

Mr. Guthrie from the committee of finance, reported a bill to provide for the more certain collection of the tax on sales at auction in the city of Louisville.

Mr. Southgate from the committee appointed for that purpose, reported a bill amendatory of the several acts relating to the town of Newport, in Campbell county.

Which bills were severally read the first time, and ordered to

be read a second time. The rule of the Senate, constitutional provision, and second reading of the second and third bills, and the second and third readings of the first bill having been dispensed with, and the same being engrossed-the second and third were referred to the committee of courts of justice.

Resolved, That the first bill do pass, and that the title thereof be

as aforesaid.

A message was received from the Governor, by Mr. Sanders, Secretary of State, announcing,-That the Governor did, on the 8th instant, approve and sign enrolled bills which originated in the Senate, of the following titles, viz:

An act to establish the town of Mills Point, in the county of Mc-

Cracken, and for other purposes.

An act allowing an additional constable to the county of Gallatin. An act to enlarge the constable's district for the town of Mon-

An act to allow an additional justice of the peace in Greenup

An act for the benefit of Sarah Blackford, and the infant heirs of John Blackford.

An act to regulate the number of justices of the peace in the

county of Mercer. An act to protect the settlers in the land district West of the Tennessee river.

An act for the benefit of Samuel Woodson, Clerk of Hopkins

An act to amend the several acts to suppress the practice of du-

An act for the benefit of Nelson Whites, and others.

An act to provide for reviewing, opening and establishing a road

from Frankfort to Williamstown, in Grant county.

An act to amend an act, entitled an act to enlarge the town of Madisonville, in the county of Hopkins, approved, 25th January, 1833.

An act to allow additional constables to Logan, Hardin, Meade and Washington counties.

An act to encourage the publication of a new Digest of the Stat-

tue Law of Kentucky. And on the same day, a joint resolution, entitled, a resolution to procure certain surveys of the rivers in this Commonwealth.

A message in writing was received from the Governor, by Mr. Sanders, Secretary of State.

Bills from the House of Representatives of the following titles, viz: I. An act to authorise the qualified voters of Oldham to select either Westport or Lagrange, for the permanent seat of justice for said county, and for other purposes.

2. An act to repeal in part, and amend an act, entitled, an act for the endowment of a Seminary of learning in the town of Brandenburg, in Meade county, and for other purposes.

3. An act to repeal the fourth section of an act, entitled, an act further to regulate the Wilderness and Turnpike road, approved 11th January, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

4. An act for the the benefit of Edward H. Earle, and others. Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills, having been dispensed with, the first was referred to the committee of propositions and grievances; the second, and fourth, to the committee of finance; and the third, to the committee of Internal Improvements.

The amendments of the House of Representatives, to a bill from the Senate, entitled, an act to extend the bounds of the town of Elizabeth, in Hardin county, Kentucky, were referred to a committee of Messrs. Roberts, Grider and Heady.

The committee of the whole was discharged from the consideration of a bill for the benefit of the Lexington and Ohio Rail Road Company.

A motion was made to amend the same, and discussion had thereon.

And then the Senate adjourned.

TUESDAY, FEBRUARY 11, 1834.

The Senate assembled.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate, to the amendments proposed by that House, to a bill which originated in the Senate, entitled, an act changing the time of holding the Logan county court.

That they had concurred in the amendments proposed by the Senate to a bill from that House, entitled, an act for the benefit of Caldwell, Livingston and Todd counties.

And that they had passed bills which originated in the Senate, of the following titles, viz:

An act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

An act concerning the county court of Fleming county.

An act to legalize the proceedings of the Casey county court.

An act providing for the sale of the lands of James Tutt, dec'd. An act for the benefit of the heirs of James Y. Kelly, deceased.

An act for the benefit of William Fisher.

And that they had passed bills of the following titles, viz:

An act to improve the navigation of Nolin.

An act to amend the law regulating elections in this Commonwealth.

An act to discontinue the inspection of tobacco at the ware house of William H. Booth, in city of Louisville.

An act to establish an election precinct in Montgomery county.

An act to declare Rockcastle creek a navigable stream.

An act to establish the town of Portland, and for other purposes.

An act regulating the mode of setling the accounts of executors, administrators and guardians.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

On the motion of Mr. Conner-

Ordered, That Mr. McDonald be added to the committee of enrollments.

Messrs. Daviess and Prince were excused from serving on the committee appointed to examine the Treasurer's Office, and Messrs. Nuttall and Heady were added to the said committee.

The Speaker laid before the Senate, a communication from Mr. Joseph P. Knott, a member of the House of Representatives, in relation to the officers of Marion county, which was referred to the committee of courts of justice.

The message in writing received from the Governor yesterday, containing nominations of the officers of said county, was taken up and referred to the same committee.

On the motion of Mr, Taylor-

Resolved, That the Senate recede from their first amendment to a bill from the House of Representatives, entitled, an act to increase the Revenue.

Mr. W. Owsley from the committee of courts of justice, reported a bill to amend the law of descents, and distribution of intestates' estates,

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was passed over in the orders of the day.

Ordered, That the public printer print one hundred and fifty co-

pies thereof, for the use of the general assembly.

Mr. Taylor from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, an act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river

at Smith's Shoals, and the Big South Fork of said river, up to the Coal Banks, approved February 2d, 1833, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that its title be as aforesaid.

After a short time a message was received from the House of Representatives, announcing their concurrence in the said amendments, with an amendment.

The said amendment was twice read and concurred in.

Mr. Taylor from the same committee, to whom was referred a bill to improve the road from Carlisle, Flemingsburg, &c. to the mouth of Big Sandy river, reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Taylor from the same committee, to whom was referred a bill from the House of Representatives entitled, an act to provide for the improvement of the road from Franklin county to Crab Orchard, in Lincoln county, reported the same with amendments, one of which was disagreed to, and the others concurred in.

Ordered, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

The question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and Murrell, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Chinn, Clark, Coffey, Cunningham, Daviess, Gholson, Gilbert, Grider, Griffith, Guthrie, Harris, Heady, McHenry, H. Owsley, W. Owsley, Parks, Prince, Roberts, Southgate, Taylor, Thornton, Wingate—24.

NAYS-Messrs. Beaseman, Bramlette, Conner, Dejarnatt, Dougherty, James, Murrell, Nuttall, Willis, Young-10.

Mr. Taylor from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act authorising the subscription of stock, on the part of the state, in the Louisville and Bardstown Turnpike Road Company, reported the same without amendment,

And the question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murrell

and McDonald, were as follows, viz:

YEAS—Messrs. Bibb, Brown, Chinn, Clark, Coffey, Cunningham, Daviess, Gholson, Gilbert, Grider, Griffith, Guthrie, Harris, Heady, McDonald, McHenry, H. Owsley, W. Owsley, Parks, Prince, Roberts, Southgate, Taylor, Thornton, Wingate—25.

NAYS-Messrs. Beaseman, Bramlette, Conner, Dejarnatt,

Dougherty, James, Murrell, Nuttall, Willis, Young-10.

Mr. Taylor from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of the 38th and 35th Regiments Kentucky Militia, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third read-

ing thereof, having been dispensed with,

Resolved, That the said bill do pass, and that the title be amended to read, "an act for the benefit of the sheriff of Madison county."

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to amend the act, entitled an act providing for the opening of a road from Taylorsville in Spencer county, to Jefferson town in Jefferson county, and for other purposes, approved January 31st, 1833.

An act to incorporate the Blue Spring Seminary in Barren county.

An act for the benefit of the jailor of Mercer county. An act to encourage the manufacture of Queens-ware.

An act providing for a change of venue in the prosecution against Thomas W. Harris.

An act to authorise the taking of depositions in a summary way, to perpetuate testimony.

An act to establish the town of Feliciana, in Graves county. An act for the benefit of the heirs of John Gray, deceased.

An act to appoint Trustees to the Union School, in Caldwell county, and to make them a corporate body.

An act concerning free persons of color in this Commonwealth.

An act to establish a state road from the town of Owensborough,
on the Ohio river, by the way of the mouth of Rough creek and
Greenville, to Hopkinsville,

And had found them truly enrolled;

That they had been signed by the Speaker of the House of Re-

presentatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

A message was received from the Governor, by Mr. Sanders,

Secretary of State, announcing that the Governor had approved and signed the five bills first named.

Bills from the House of Representatives of the following titles, viz:

1. An act to incorporate the Green river Turnpike Road Com-

pany.

2. An act to incorporate the Winchester and Lexington Turnpike Company.

3. An act to improve the navigation of Muddy river.

4. An act to appropriate four hundred dollars to aid in improving the state road leading from Owensborough to Bowlinggreen.

5. An act allowing an appropriation of land warrants to assist in the completion of a bridge across the mouth of Rough creek in Harlan county, and for other purposes.

6. An act for the benefit of the Mechanics of the towns of Cov-

ing and Newport.

7. An act to improve the navigation of Barren river, and for other purposes.

8. An act to allow the county of Green two additional consta-

bles, and for other purposes.

9. An act concerning free persons of color in this Commonwealth. 10. An act to compel Sheriffs to return certificates of the election of members of the Senate, and House of Representatives.

11. An act for the benefit of Robert Ferguson.

12. An act to change the place of holding the election in the Gore precinct in Daviess county, and for other purposes.

13. An act concerning the liabilities and duties of executors and

administrators.

14. An act for the benefit of James Storm and John Cox.

15. An act to amend and reduce into one the several acts concerning private pass-ways in certain counties.

16. An act to authorise the Trustees of the Hardin Seminary to sell lot No. 31, in the town of Elizabeth, and for other purposes.

17. An act concerning the Troop of Cavalry attached to the 7th Regiment and 13th Brigade, Kentucky Militia.

The said bills were severally read the first time, and ordered to

be read a second time.

The rule of the Senate, constitutional provision, and second reading of the first, second, third, fourth, fifth, sixth, ninth, thirteenth and fifteenth bills, having been dispensed with, and the fifteenth amended, they were severally referred; the first and second, to the committee of internal improvements; the third, fourth and fifth, to the committee of finance; the sixth, to a committee of Messrs. Southgate, Clark and Thornton; the ninth, thirteenth and fifteenth, to the committee of courts of justice.

The rule of the Senate, constitutional provision, and second and third readings of the seventh, eighth, tenth, eleventh, twelfth, fourteenth, sixteenth and sevententh bills, having been dispensed with, Resolved, That the said bills do pass, and that the titles be as aforesaid.

Mr. McDaniel from the committee of enrolments, reported that the committee had examined an enrolled bill entitled, an act to authorise the subscription of stock on the part of the state in the Louisville and Bardstown turnpike road Company,

And had found the same truly enrolled; that said bill had been

signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. McDonald reported that the committee

had performed that duty.

An engrossed bill entitled, an act to declare and explain the law concerning conveyances, was read the third time, as follows, viz:

Whereas, vendees of land not unfrequently omit to have their deeds of conveyance proved and lodged with the proper clerk, to be recorded as required by law; and whereas, creditors have, heretofore, in some instances, with knowledge of such deeds, caused the land so conveyed, to be taken and sold under executions which issued against the estate of the vendors, and the like may be done in future; and whereas, also, a difference of opinion prevails in regard to the power of courts of equity, under the existing law, to relieve the vendees in such unrecorded deeds against the effect of

sales made under execution as aforesaid. Wherefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That nothing in the law, now in force, contained, shall be interpreted, construed, or adjudged, to prevent any such unrecorded deed honestly and bona fide made, on a valuable consideration, from passing to, and vesting in the vendee an equity in the land so conveyed, to the same extent as though the contract was executory; not to prevent courts of equity from relieving such vendee, on any person claiming under him, against sales made under execution against the vendor, provided the purchaser at such sale had previous notice of the vendee's claim, and the possession in fact of the vendee, or others holding under him shall be evidence of notice.

§ 2. Be it further enacted, That nothing herein contained shall be construed to alter or change the law as it now is, in regard to mortgages or deeds of trust: Provided, the provisions of this act shall have only prospective operation.

And the question being taken on the passage of the said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Taylor and Guthrie, were as follows, viz:

YEAS-Messrs. Clark, Coffey, Daviess, Gilbert, Grider, Grif-

fith, Nuttall, W. Owsley, Prince, Roberts, Southgate, Thornton, Willis-13.

NAYS—Messrs. Bramlette, Brown, Chinn, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Guthrie, Harris, James, Murrell, H. Owsley, Sisk, Taylor, Young—16.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Chinn—1. A bill for the benefit of the heirs of Adam Link, deceased.

On the motion of Mr. Willis, -2. A bill supplementary to an

act to establish the county of Marion.

On the motion of Mr. Southgate—3. A bill to incorporate a company to construct a turnpike road from the Ohio river, at the town of Newport, to the town of Alexandria, in Campbell county.

On the motion of Mr. Roberts—4. A bill to incorporate a turnpike road company from Elizabethtown to Bardstown, and for other purposes.

On the motion of Mr. Harris-5. A bill for the benefit of the

Sheriff of Floyd county.

Messrs. Chinn, Thornton and Wingate, were appointed a committee to prepare and bring in the first; Messrs. Willis, Daviess and Murrell, the second; Messrs. Southgate, Clark and Thornton, the third; Messrs. Harris, Willis and Roberts, the fifth; and the committee of internal improvements was directed to prepare and bring in the fourth.

Mr. Roberts from the committee to whom was referred, the amendments of the House of Representatives, to a bill from the Senate, entitled an act to extend the bounds of the town of Elizabeth, in Hardin county, Kentucky, reported them with an amend-

ment, which was concurred in.

Resolved, That the Senate concur in the said amendments as

amended.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Grider from the committee of education-1. A bill to

incorporate the Walnut Hill Seminary in Warren county.

By Mr. Chinn—2. A bill for the benefit of the devisees of Adam Link, deceased.

By Mr. Harris—3. A bill for the benefit of the Sheriff of Floyd county.

Which bills were severally read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the first and second bills, and the second reading of the third, having been dispensed with, the third was referred to the committee who prepared and reported it.

The first and second bills being engrossed,

Resolved, That they do pass, and that their titles be as aforesaid.

Mr. McHenry read and laid on the table a joint resolution, requiring the auditor of public accounts to transmit to the clerks of the several county courts, a list of head-right claims, and the amount due thereon.

The Senate resumed the consideration of a bill for the benefit of

the Lexington and Ohio Rail Road Company.

Mr. Willis moved to lay the said bill on the table until the first day of June next,

And the question being taken thereon, it was decided in the af-

firmative.

The yeas and nays being required thereon by Messrs. Willis and

Chinn, were as follows, viz:

YEAS-Messrs. Beaseman, Bramlette, Coffey, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Gilbert, Heady, James, McDonald, McHenry, Murrell, Nuttall, Parks, Willis, Wingate, Young—19.

NAYS-Messrs. Bibb, Brown, Chinn, Clark, Daviess, Grider, Griffith, Guthrie, Harris, H. Owsley, W. Owsley, Prince, Roberts, Southgate, Taylor, Thornton—16.

On the motion of Mr. Wingate, the last vote was re-considered. The said bill was amended, and ordered to be engrossed and

read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

The amendments of the House of Representatives, to a bill entitled, an act to establish an election precinct in Bourbon county; and authorising the court to appoint a constable, were twice read and concurred in, with an amendment.

A bill from the House of Representatives, entitled, an act to change the name of Wesley Blake, was ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision, and second read-

ing of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of the clerk of Calloway county court, was read the third time, as amended.

Resolved, That the said bill, as amended, do pass, and that the title be amended by adding thereto, "and prescribing certain du-

ties for the circuit and county court clerks."

An engrossed bill entitled, an act to amend the law authorising William and Edward Trabue, to build a mill dam across Green river, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Elizabeth Dick, was read the third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wingate and Daviess, were as follows, viz:

YEAS—Messrs. Beaseman, Bramlette, Clark, Conner, Cunningham, Daviess, Dejarnatt, Gilbert, Griffith, Harris, Heady, McDonald, McHenry, Nuttall, Parks, Roberts, Sisk, Southgate, Willis, Young—20.

NAYS—Messrs. Bibb, Brown, Chinn, Coffey, Dougherty, Grider, Guthrie, James, Murrell, W. Owsley, Prince, Taylor, Thorn-

ton, Wingate-14.

The Speaker laid before the Senate, the memorial of Messrs. Robert Mitchell and Peter Brown, two of the Representatives from Washington county, in relation to the nomination of officers for the county of Marion, which was referred to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act for the benefit of William Spurlock, was read the first time, as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract heretofore existing between William Spurlock, and Martha Spurlock, his wife, be and the same is hereby dissolved, so far as the said William is concerned, and that the said William Spurlock be restored to all the rights and privileges of an unmarried man.

And the question being taken on reading the said bill a second time, it was decided in the negative, and so the said bill was

disagreed to.

The yeas and nays being required thereon by Messrs. Daviess, and Willis, were as follows, viz:

YEAS—Messrs. Brown, Cunningham, Daviess, Dejarnatt, James,

McHenry, Nuttall, Roberts, Southgate, Willis, Young-11.

NAYS-Messrs. Bibb, Bramlette, Chinn, Clark, Coffey, Conner,

Gholson, Grider, Griffith, Guthrie, Murrell, H. Owsley, W. Owsley, Prince, Taylor, Thornton, Wingate—17.

Bills from the House of Representatives, entitled, an act for the benefit of Malinda R. Devers.

An act allowing additional justices of the peace, and constables, to certain counties.

Were each read the first time; and the question being taken on reading the same a second time, it was decided in the negative, and so the said bills were disagreed to. An engrossed bill entitled, an act to establish a judicial district, was read the third time, as follows, viz:

- § 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be established an additional Judicial District in this Commonwealth, which shall be styled the seventeenth, Judicial District, composed of the counties of Pulaski, Wayne, Russell, Casey, and Cumberland; and that a circuit Judge and Commonwealth's Attorney shall be appointed for said district, who shall possess the same powers, and receive the same emoluments, that are now allowed, by law, to other circuit Judges and Commonwealth's Attornies of this State.
- § 2. Be it further enacted, That, hereafter, the terms of the Pulaski circuit court, shall commence on the third Monday in April, July, and October; and the terms of the Wayne circuit court shall commence on the fourth Monday in April, July and October; and the terms of the Russell circuit court shall commence on the first Monday in May, second Monday in August, and first Monday in November; and the terms of the Casey circuit court, shall commence on the second Monday in May, third Monday in August, and second Monday in Movember; and the terms of the Cumberland circuit court shall commence on the second Monday in April, June, and September.
- § 3. Be it further enacted, That, hereafter, the county of Jessamine shall be added to, and compose a part of, the twelfth Judicial District.

Mr. H. Owsley moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and H. Owsley, were as follows, viz:

YEAS—Messis. Beaseman, Chinn, Clark, Conner, Cunningham, Dejarnatt, Dougherty, Gilbert, Griffith, Heady, McDonald, McHenry, Murrell, Nuttall, H. Owsley, Prince, Roberts, Taylor, Thornton, Wingate Young—21.

NAYS—Messrs. Bramlette, Brown, Coffey, Daviess, Gholson, Grider, Guthrie, Harris, James, W. Owsley, Sisk, Southgate, William 14

An engrossed bill entitled, an act for the benefit of Harriet Johnson, was referred to a committee of Messrs. Roberts, Clark and Thornton.

On the motion of Mr. Conner-

Leave was given to bring in a bill to allow an additional justice of the peace to Lewis county, and Messrs. Conner, James and Cunningham, were appointed a committee to prepare and bring in the same.

After a short time, Mr. Conner reported the said bill;—it was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and it having been amended and engrossed,

Resolved, That the said bill do pass, and that the title be amended by adding thereto, and an additional constable to Jefferson

county.

On the motion of Mr. McDonald-

Leave was given to Leonard Jones to withdraw his letter and memorial.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 12, 1834.

The Senate assembled.

Mr. Guthrie presented the petition of Benjamin Stith, and others, praying that a law may pass, granting and releasing to the said Stith, and others, all the right and title of the state to a tract of 75,000 acres of land in Hardin county,

Which was received and referred to the committee of courts of

justice;

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act to amend and reduce into one, the several acts concerning private pass-ways, in certain counties, reported the same with an amendment, which was concurred in.

Ordered, that the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that its title he as aforesaid.

The amendments proposed by the House of Representatives, to a bill entitled, an act to appoint a keeper or keepers of the Penitentiary, and for other purposes, were taken up and concurred in.

Mr. Daviess from the committee of propositions and grievances, reported the following resolution, viz:

Resolved, That the several petitions of the citizens of the town of Winchester, praying for a change in the bounds of said town, be rejected,

Which was twice read and laid on the table.

Mr. Harris from the committee to whom was referred, a bill for the benefit of the Sheriff of Floyd county,

Reported the same with an amendment, which was concurred in, and the said bill was referred to the committee of finance.

Mr. Cunningham from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to establish an election precinct in the county of Grayson, reported it without amendment.

And the question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disa-

greed to.

Mr. McHenry read and laid on the table the following resolu-

tions, viz:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested to apply for, and use their best exertions to have an armory erected and established at the Falls of the Cumberland river, in Whitley county, Kentucky, and if they can succeed in the erection of an armory, then to use their exertions to obtain an appropriation from the General Government, for the purpose of opening and improving the navigation of the Cumberland river, from the falls of said river to its mouth.

Beit further resolved, That the Governor of this state be requested to furnish copies of this resolution to each of our Senators and Re-

presentatives in Congress.

Mr. Daviess from the committee of propositions and grievances, to whom was referred, a bill from the House of Representatives, entitled, an act to authorise the qualified voters of Oldham to select either Wesport or Lagrange, for the permanent seat of justice for said county, and for other purposes, reported the same without amendment, with the opinion of the committee that it ought to pass.

The said bill is as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the qualified voters of Oldham county, are hereby authorised to vote for their seat of justice in the following manner:

The polls shall be opened at all the places in said county, at which elections are authorised by law to be held for representatives, on the first Monday in August next, and to be continued open for three days, in the manner and under the same regulations that govern elections in this commonwealth, and the county court of said county shall at the term next preceding said election, appoint such officers as are required for conducting elections for representatives, and each qualified voter, as he comes to the polls, shall vote for West Port or Lagrange, for the seat of justice of said county; and the votes so given shall be set down accordingly, in books to be prepared by the clerks of said election, for that purpose.

§ 2. Be it further enacted, That the Judges and Clerks of said election, at each place of voting, shall certify a list or lists of all the votes, and the place for which they were given, and forward the same to the clerk of the county court within five days after the

close of the election, which stall be presented by said cherk to the Judge of the circuit court, on the first day of the next circuit court in said county. And the friends of both of the places voted for, may make out a list of illegal votes that may have been taken, and present the same to the Judge of the circuit court, on the first day that said court shall be holden after the election aforesaid, but not after. And the Judge of said circuit court, shall fix upon some day of the term, to hear the evidence on each side, as to the illegality of any votes that may have been taken, and if any illegal votes shall appear on the lists, he shall erase the same therefrom, and then add up the remaining votes for each place, and that place having a majority of all the votes given, shall be the seat of justice for said county. And the Judge of the circuit court shall certify the result of the election to the county court, and the county court shall enter upon their order book, the said certificate.

If the election result in favor of Lagrange, the county and circuit courts for said county shall thereafter be held in the court-house in that place, and the county court shall, as soon as practicable, appropriate the money arising to the county from the sale of lots in Lagrange, to the erection of such public buildings as may be necessary for the use of said county and courts thereof.

Provided, however, That a majority of one hundred and fifty of all the legal votes of said county, shall be necessary to move the

seat of justice from West Port.

Mr. Murrell moved to lay the said bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willis and Nuttall, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Coffey, Conner, Cunningham, Grider, James, Murrell, Nuttall, H. Owsley, W. Owsley, Southgate, Taylor, Thornton—17.

NAYS—Messrs. Bramlette, Clark, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Griffith, Guthrie, Harris, Heady, McDonald, McHenry, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young—

Mr. Guthrie then moved an amendment to the said bill.

Mr. Clark moved to reconsider the last vote,

And the question being taken on the said motion to reconsider, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Clarke and

Thornton, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Gholson, Grider, Griffith, Harris, James, McDonald, Murrell, Nuttall, H. Owsley, W. Owsley, Southgate, Taylor, Thornton—21.

NAYS—Messrs. Bramlette, Daviess, Dejarnatt, Dougherty, Gilbert, Guthrie, Heady, McHenry, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young—15.

The question was again taken on laying the said bill on the table until the first day of June next, and it was decided in the affirmative.

The year and nays being required thereon, by Messrs. Boyd

and Nuttall, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Gholson, Grider, Griffith, James, Murrell, Nuttall, H. Owsley, W. Owsley, Southgate, Taylor, Thornton—20.

NAYS—Messrs. Bramlette, Daviess, Dejarnatt, Dougherty, Gilbert, Guthrie, Harris, Heady, McDonald, McHenry, Parks,

Prince, Roberts, Sisk, Willis, Wingate, Young-17.

Mr. Daviess from the committee of propositions and grievances, reported a bill for the benefit of Lewis Snapp, and limiting the powers of the Trustees of the town of Mount Washington, in Bullitt county.

Mr. Parks from the committee of privileges and elections, reported a bill to establish an election precinct in the county of Cum-

berland.

The said bills were each read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

Mr. Clark from the committee of internal improvements, to whom was referred, a bill providing for the erection of a bridge across the Beech Fork, in Washington county, reported the same without amendment, and it was referred to the committee of finance.

Mr. Clark from the same committee to whom was referred, bills from the House of Representatives of the following titles, viz:

1. An act to incorporate the Winchester and Lexington Turn-

pike Company.

2. An act to amend an act entitled, an act to establish a state road from Berry's ferry on the Ohio river, to Salem, and from Madisonville to Salem, approved Jan. 22, 1830.

3. An act to incorporate the Shepherdsville and Elizabethtown

Turnpike Road Company.

4. An act to incorporate the Green River Turnpike Road Company.

Reported the same without amendment.

Ordered, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, the first and fourth, were referred to the committee of finance.

Resolved, That the second and third bills do pass, and that their titles be as aforesaid.

Mr. Taylor from the committee of finance, to whom was referred, bills from the House of Representatives of the following titles, viz:

An act to improve the navigation of Big Sandy river.

An act to incorporate a company to construct a turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county,

Reported the same with amendments to each, which were con-

Resolved, That the said bills do pass, and that their titles be as aforesaid.

After a short time a message was received from the House of Representatives, announcing their concurrence in the amendments to the second bill.

Mr. Taylor from the same committee to whom was referred, an engrossed bill, entitled, an act to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles,

Reported the same with an amendment, which was concurred in. Ordered, That the said bill be re-engrossed, and again read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with, and it being re-engrossed, Resolved, That the said bill do pass, and that its title be as aforesaid.

Mr. Taylor from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act to incorporate the Richmond and Lexington Turnpike Road Company,

Reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with,

Resolved, That the said bill do pass, and that its title be as aforesaid.

A bill from the House of Representatives, entitled, an act authorising the building of an arsenal, for the security and preservation of the public arms, was read the third time, as amended.

And the question being taken on the passage thereof, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Griffith, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Chinn, Clark, Coffey, Cunningham, Daviess, Dougherty, Gholson, Gilbert, Grider, Griffith, Harris, Heady, McDonald, McHenry, Murrell,

Nuttall, W. Owsley, Southgate, Taylor, Thornton, Willis, Wingate, Young-27.

NAYS-Messrs. Conner, Dejarnatt-2.

On the motion of Mr. Dougherty—Leave was given him to record his vote against the passage of the bill from the House of Representatives, entitled, an act to increase the revenue, which bill passed the Senate on the 8th instant.

A bill from the House of Representatives, entitled, an act to prevent the sale of growing crops, was read the third time, as amended, and referred to a committee of Messrs. W. Owsley, Grider,

Willis and Daviess.

A bill from the House of Representatives, entitled, an act for the benefit of John Holt, Sen. was read the second time, and ordered to be read the third time.

A message was received from the House of Representatives, an-

nouncing that they had received official information,

That the Governor did, on yesterday, approve and sign enrolled bills, which originated in that House, of the following titles, viz:

An act to establish the town of Feliciana, in Graves county.

An act for the benefit of the heirs of John Gray, deceased. An act to authorise the taking of depositions in a summary way,

to perpetuate testimony.

An act to establish a state road from the town of Owensborough, on the Ohio river, by the way of the mouth of Rough creek and Greenville, to Hopkinsville,

An act to appoint Trustees to the Union School, in Caldwell county, and to make them a corporate body, and for other purposes. An act to change the venue in the cases of Thomas and P. S.

Outten.

That they had disagreed to a bill from the senate entitled, an act to amend the law in relation to the solemnization of marriages.

That they had concurred in the amendment of the Senate to a bill from that House, entitled, an act to allow one additional justice of the peace to Bullitt county, with an amendment.

The said amendment was twice read and concurred in.

That they had passed bills from the Senate of the following titles, viz:

An act to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved, December 25, 1820.

An act to incorporate a Dock Company at Smithland.

An act for the benefit of Charles C. Moore, and Levi Van Camp. An act requiring clerks to renew their bonds, and authorising motions against defaulting Sheriffs, Collectors and Clerks, at the June term, 1834, of the General court.

And that they had passed bills of the following titles, viz: An act to amend the act incorporating the city of Maysville. An act to amend the charter of the city of Lexington. An act for the benefit of Henry Crist.

An act for the benefit of James Stephenson.

An act to amend an act, entitled, an act to compel the speedy adjustment of land claims, approved February 9, 1809.

An act to enlarge the boundaries of Georgetown, and for other

purposes.

Engrossed bills entitled, An act to amend the law prescribing penalties for obstructing navigation;

An act to authorise the county court of Washington, to increase

the allowance to patrolls, in said county,

Were each read the third time.

Resolved, That the said bills do pass, and that their titles be as aforesaid.

The yeas and nays being required on the passage of the first bill,

by Messrs. Heady, and Parks, were as follows, viz:

YEAS—Messrs. Bramlette, Chinn, Clark, Coffey, Cunningham, Daviess, Dejarnatt, Gholson, Gilbert, Guthrie, Harris, W. Owsley, Prince, Taylor, Willis, Young—16.

NAYS—Messrs. Beaseman, Boyd, Conner, Dougherty, Griffith, Heady, McDonald, McHenry, Murrell, Nuttall, Parks, Sisk, South-

gate, Thornton-14.

An engrossed bill entitled, an act to provide for the payment of private property taken for public purposes, was read the third time;

And the question being taken on the passage thereof, it was

decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis

and Guthrie, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Chinn, Clark, Coffey, Conner, Cunningham, Gholson, Grider, Griffith, Guthrie, Harris, Heady, McDonald, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Southgate, Taylor, Thornton, Wingate, Young—25.

NAYS .- Messrs. Beaseman, Bramlette, Dejarnatt, Gilbert, Mc-

Henry, Sisk, Willis-7.

Resolved, That the title of the said bill be as aforesaid.

The Speaker laid before the Senate, another communication from Messrs. Peter Brown and Robert Mitchell, members of the House of Representatives, from the county of Washington, in relation to the officers for Marion county, which, with the accompanying documents, was referred to the committee of courts of justice.

And then the Senate adjourned.

THURSDAY, FEBRUARY 13, 1834.

The Senate assembled.

Mr. Guthrie presented the petition of Harriet Roberts, Mary May and Christopher L. Jones, praying for the passage of a law authorising the sale of a house and lot in the town of Harrodsburg, held in trust for the said Harriet, and that the proceeds of the sale to be vested in other real estate.

Mr. Harris presented the petition of sundry citizens, praying for the passage of a law directing a re-survey of the town of Prestensburg in Floyd county.

The said petitions were received and referred, the first to the committee of courts of justice; and the second, to a committee of

Messrs. Harris, Daviess and Young. On the motion of Mr. Daviess-

Ordered, That a message be sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act to allow additional justices of the peace, and constables, to certain counties, and that Mr. Daviess carry the said message.

The said bill was returned to the Senate.

Mr. W. Owsley from the committee of courts of justice, reported a bill to amend the law regulating the manumission of slaves,—it was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the same committee.

Mr. W. Owsley from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to prevent the sale of growing crops, reported it with amendments, which was concurred in.

Mr. Daviess moved to commit the said bill to a select committee. And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daviess and W. Owsley, were as follows, viz:

YEAS-Messrs. Coffey, Daviess, Dejarnatt, Harris, Heady,

Nuttall, Young-7.

NAYS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Conner, Cunningham, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie, James, McHenry, Murrell, H. Owsley, W. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Taylor, Thornton, Willis, Wingate—29.

The question being taken on the passage of the said bill, as

amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Roberts and Daviess, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Chinn, Clark, Coffey, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Thornton, Willis, Wingate—33.

NAYS-Messrs. Brown, Daviess, Taylor, Young-4.

Mr. Guthrie from the committee of courts of justice, reported a bill for the benefit of the wife and children of Thomas Q. Roberts:

Which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that its title be as aforesaid.

Mr. Clark from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, an act to amend in part, and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashvile,

Reported the same with an amendment, which was concurred in, and the said bill was referred to the committee of finance.

Mr. Clark from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act to repeal the fourth section of an act, entitled, an act further to regulate the Wilderness and Turnpike road, approved the 11th January, 1830, and to provide for the appointment of overseers on said road, and for other purposes,—reported the same with amendments; the first of which was disagreed to.—The second proposes to strike out the 4th and 6th sections of the said bill.

The said sections are as follows, viz:

§ 4. Be it further enacted, That the toll gate on the Goose creek salt works road, be, and the same is hereby abolished and discontinued; and that the same toll that is now collected at said toll gate, shall hereafter be collected at the toll gates on the Madison and Crab Orchard turnpike roads, and the gate keepers shall keep a separate and distinct account of said toll, and pay the same over to the overseers of said Goose creek salt works road, agreeably to the law now in force, directing the gate keepers on said road to pay over the same.

§ 6. Be it further enacted, That the gate keepers of the said Madison and Crab Orchard turnpike roads, shall be entitled to the sum of

twenty-five dollars each, annually, in addition to their present pay, to be retained out of the toll which they collect for the Goose creek salt works road.

The question being taken on concuring in the said amendment,

it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. H. Owsley

and Gilbert, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Clark, Conner, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, James, McHenry, Murrell, Nuttall, Prince, Roberts—18.

NAYS—Messrs. Bramlette, Chinn, Coffey, Cunningham, Daviess, Guthrie, Harris, Heady, McDonald, H. Owsley, W. Owsley, Sisk,

Taylor, Thornton, Willis, Wingate, Young-17.

Ordered, That the said bill, as amended, be read a third time.

Mr. Taylor from the committee of finance, to whom was referred, the following bills, viz:

A bill to improve the stage road over Muldrow's Hill, from Lex-

ington to Nashville,

A bill making an appropriation to aid the counties of Calloway and Graves, in building certain bridges,

Reported the same with amendments to each, which were con-

curred in.

Ordered, That the said bills be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bills, having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the title of the second be as aforesaid; and that the title of the first be, "an act to turnpike the stage road from Lexington to Nashville, where it crosses Muldrow's Hill.

Mr. Taylor from the same committee to whom was referred,

bills from the House of Representatives entitled,

An act to improve the navigation of Trade Water.

An act to incorporate the Danville, Lancaster and Nicholasville turnpike road company,

Reported the same with amendments to each, which were con-

curred in.

Ordered, That the said bills be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading of the said bills, having been dispensed with,

Resolved, That the said bills, as amended, do pass, and that their

titles be as aforesaid.

Mr. Taylor from the same committee, to whom was referred a bill to amend an act to incorporate the Rolling Fork Bridge Company, approved December 2d, 1831, reported the same with amendments; which were concurred in.

The said bill was further amended, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed.

Resolved, That the said bill do pass, and that its title be amended by adding thereto, "and to authorise the construction of a bridge across Big Barren river."

Mr. Taylor from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act to improve the navigation of Muddy river,

Reported the same with an amendment, which was concurred in. Ordered, That the said bill, as amended, do pass, and that its title be as aforesaid.

On the motion of Mr. Taylor—The committee of finance was discharged from the consideration of the following bills, viz:

A bill to improve the navigation of Cumberland river.

A bill to amend an act, entitled an act to incorporate a company to turnpike a road fram Bardstown to Louisville, approved December 23d, 1831.

A bill to improve the navigation of Muddy river.

And from the further consideration of the petition of sundry citizens, praying for an appropriation of money to improve the navigation of Cumberland river.

The said petition was referred to the committee of internal im-

provements.

Mr. Willis from the committee appointed for that purpose, reported a bill supplementary to an act entitled, an act to establish the county of Marion,

Which was read the first time, and ordered to be read a second

time

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and it being amended and engrossed,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

Mr. Chinn from the committee to whom was referred the nominations of Henry Black, to be Brigadier General of the 17th Brigade; and Preston Allen, to be Major of the 37th Regiment, reported the following resolution thereon, viz:

Resolved, That the Senate advise and consent to their appoint-

ments; which was concurred in.

Resolved, That the Senate advise and consent to the appointments of William Campbell, as Colonel of the 40th Regiment; William C. McNary, as Lieutenant Colonel of the 40th Regiment; Mosely P. Wells, as Major of the 40th Regiment, and S. W. Wing, as Brigade Quarter Master of the 17th Brigade.

Ordered, That Mr. Sisk inform the Governor thereof.

The resolution from the House of Representatives fixing a day for the election of public officers, was twice read and concurred in

Mr. Roberts from the committee to whom was referred, an engrossed bill entitled, an act for the benefit of Harriet Johnson,

Reported the same without amendment.

Resolved, That the said bill do pass, and that its title be as aforesaid.

Mr. Guthrie from the committee appointed for that purpose, reported the following bills, viz:

A bill to incorporate the Mechanics' Fire Engine and Hose Com-

pany of Louisville;

A bill more effectually to secure Shipwrights, and others, in their

claims on Steam Boats and other vessels;

Which were read the first time and ordered to be read a second

time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred to the committee of courts of justice.

And then the Senate adjourned.

FRIDAY, FEBRUARY 14, 1834.

The Senate assembled.

Mr. McDonald from the committee of enrollments, reported that the committee had examined enrolled bills and a resolution, of the following titles, viz:

An act concerning the county court of Fleming county.

An act to legalize the proceedings of the Casey county court. An act changing the time of holding the Logan county court. An act incorporating the Maysville Insurance Company.

An act to repeal the 5th section of the act entitled, an act to regulate endorsements on Executions, approved December 25, 1820.

An act to incorporate a Dock Company at Smithland.

An act for the benefit of William Fisher.

An act providing for the sale of the lands of James Tutt, dec'd. An act for the benefit of the heirs of James Y. Kelly, deceased.

An act requiring Clerks to renew their bonds, and authorising motions against defaulting Sheriffs, Collectors and Clerks, at the June term, 1834, of the General court.

An act for the benefit of the Sheriff of Madison county. And a resolution fixing a day to elect public officers.

And had found the same truly enrolled;

That they had been signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, the following bills, viz:

A bill to amend the law regulating the manumission of slaves.

A bill to incorporate the Mechanics' Fire Engine and Hose Company of Louisville.

Reported the same with an amendment to the first, which was

concurred in.

Ordered, That the said bills be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bills, having been dispensed with, and the same being engrossed,

Resolved. That the said bills do pass, and that their titles be as

aforesaid.

Mr. W. Owsley from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act to regulate the terms of certain circuit courts, and for other purposes,

Reported the same with an amendment, which was concurred in. Resolved, That the said bill, as amended, do pass, and that its

title be as aforesaid.

Mr. Taylor from the committee of finance, to whom was referred, bills from the House of Representatives of the following titles, viz:

An act to incorporate the Winchester and Lexington Turnpike

Company.

An act to appropriate four hundred dollars to aid in improving the state road leading from Owensborough to Bowlinggreen.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to incorporate the Green river Turnpike Road Company.
An act allowing an appropriation of land warrants, to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes.

Reported the same with amendments to each, which were twice

read and concurred in.

Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with,

Resolved, That the said bills, as amended, do pass, and that their

titles be as aforesaid.

Mr. Taylor from the same committee, to whom was referred the following bills, viz:

A bill to improve the navigation of Big Barren river.

A bill providing for the erection of a bridge across the Beech Fork, in Washington county.

Reported the same with amendments to each, which were twice

read and concurred in.

Ordered, That the said bills be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the first bills do pass, and that the titles thereof be

as aforesaid.

A message was received from the House of Representatives, announcing the passage of a bill entitled, an act to change in part,

the line of Marion county.

Mr. Taylor from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, an act to amend in part, and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville,

Reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with,

Resolved, That the said bill, as amended, do pass, and its title

be as aforseaid.

A bill from the House of Representatives, entitled, an act to improve and open the road from the Rocky Spring, in Harrison county, by the way of Colemansville, to Williamstown, in Grant county, was read the third time, and amended by way of ryder.

Resolved, That the said bill, as amended do pass, and that the title

thereof be as aforesaid.

Mr. Chinn having obtained leave, reported-1. A bill to legalize

the proceedings of the Fayette county court.

Mr. Dougherty having obtained leave, reported—2. A bill to repeal the law making it the duty of the ferry keeper at the mouth of the Kentucky river, in Gallatin county, to ferry all qualified voters, at elections, free of charge.

The following bills were reported from the committees appoint-

ed for that purpose, viz:

By Mr. McDonald—3. A bill further to define the powers of the trustees of the town of Maxville, in Washington county.

By Mr. Guthrie-4. A bill to increase the salary of the Secre-

tary of State.

By Mr. Harris—5. A bill to provide for repairing the state road leading from Prestonsburg, by way of Pikeville, to the Virginia line. Which bills were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the three former, and the second reading of the two latter bills, having been dispensed with, the fourth bill was referred to the committee of finance, and the fifth, to the committee of Internal Improvements.

The first, second and third bills, being engrossed:

Resolved, That the said bills do pass, and that their titles be as aforesaid.

Bills from the House of Representatives, of the following titles, viz:
An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati turnpike road.
An act to authorise the depositions of Judges to be taken in

common law cases.

An act to authorise the county court of Hancock to sell a part of the public ground in Hawesville, and for other purposes.

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act for the benefit of Samuel Monson.

An act to establish and to regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's creek precinct in Estill county, and for other purposes.

An act to add a part of Bracken county to the county of Harri-

son.

An act to abolish the February chancery term of the Montgomery circuit court.

An act for the benefit of John H. Slaughter.

An act allowing an additional constable to the county of Campbell, and for other purposes.

An act to erect an election precinct in Livingston county-

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with,

Resolved, That the said bills do pass, and that their titles be as aforesaid.

A bill from the House of Representatives, entitled, an act to regulate the tolls on the Sandy road, was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and it

having been amended,

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Chinn-

Leave was given to bring in a bill to incorporate the Bank of Lexington, and the committee of finance was directed to prepare and bring in the same.

Bills from the House of Representatives of the following titles, viz: I. An act to enlarge the boundaries of Georgetown, and for other purposes.

2. An act to amend the laws concerning tavern keepers. 3. An act to improve the navigation of Nolin.

4. An act to change in part, the line of Marion county.

5. An act to allow the county of Mason an additional justice of the peace, and for other purposes.

6. An act for the benefit of Elizabeth Godley.

7. An act to prohibit the circulation, within this Commonwealth, of Bank notes of a less denomination than five dollars.

8. An act to improve the state road leading from London to the

Tennessee state line.

9. An act to incorporate the Georgetown Rail Road Turnpike

10. An act to amend the penal laws of this Commonwealth, and the better to secure and guard the rights of suffrage, and freedom of elections therein-

Were severally read the first time, and ordered to be read a se-

cond time.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were referred; the first and fourth to the committee of propositions and grievances; the second, seventh and tenth, to the committee of courts of justice; the third, to the committee of finance; the fifth, to a committee of Messrs. Beaseman, Taylor and Harris; the sixth, to the committee of religion; and the eighth and ninth, to the committee of internal improvements.

The preamble and resolutions read and laid on the table by Mr. Daviess, on the sixth instant, were taken up, amended and adopt-

ed, as follows, viz:

Whereas, the state of Virginia had, before the cession of her waste and unappropriated lands North West of the Ohio river, within her chartered limits to the United States, caused to be entered, surveyed or patented, many tracts of land, to the officers and soldiers of that state, and in virtue of treasury warrant claims, which have been lost to the proprietors or their heirs, representatives or alienees, by due course of law, by older or superior equitable claims from the same state, owing to the irregular and conflicting manner of making these entries and surveys, to the great loss, and in many instances, to the ruin of the proprietors, who, it is believed, have a lien on those lands to the extent of such loss, and that the Congress of the United States by that cession, received and held that territory subject to those equitable liens. Wherefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Senators in Congress from this state be instructed, and our Representatives requested, to use their efforts to

procure the passage of a law to provide for all such cases, either by the granting of scrip, or appropriating to the heirs, representatives or alienees of the holders thereof, so much of the land so ceded as will satisfy all those claims, to the extent of their losses by superior legal or equitable grants from the said state of Virginia.

Resolved further, That the Governor be and he is hereby requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolution.

On the motion of Mr. Clark-

Resolved, That the Senate will meet at nine o'clock, A. M. during the present session.

An engrossed bill entitled an act to regulate tavern licenses, and to prevent the sale of spirituous liquors to slaves, was referred to the committee of courts of justice.

Bills from the House of Representatives, entitled, an act for

the benefit of John Campbell.

An act for the benefit of Henry Weddington, were each read the third time;

And the question being taken on the passage thereof, it was decided in the negative, and so the said bills were disagreed to.

An engrossed bill entitled, an act to incorporate the Theological Seminary of the Protestant Episcopal church in the state of Kentucky, was read the third time—

Resolved, That the said bill do pass, and that its title be as

aforesaid.

The Speaker laid before the Senate the memorial of Benjamin O. Peers, "Proctor of Morrison College, and acting President of Transylvania University," praying for a thorough investigation of the difficulties between the trustees of the said University and himself, which memorial was received and referred to the committee of education.

On the motion of Mr. Daviess—the vote of the Senate, disagreeing to a bill from the house of Representatives, entitled, an act to allow additional justices of the peace and constables to certain counties, was re-considered; and the said bill was ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of courts of justice.

A message was received from the House of Representatives, announcing their concurrence in the amendments of the Senate, to bills from that House of the following titles, viz:

An act to incorporate the Danville, Lancaster and Nicholasville Turnpike Road Company.

An act to improve the navigation of Tradewater river.

That they had passed bills and a resolution of the following titles, viz:

An act to legalize the proceedings of the county court of Liv-

ingston, at their February term, 1834.

An act to prevent the burning of the woods in certain counties. An act to improve the navigation of Pond river, and for other purposes.

A joint resolution inviting the attention of the Legislature of Louisiana, to their inspection laws, so far as relates to the classifi-

cation of tobacco.

And that they had passed bills from the Senate, of the following titles, viz:

An act for the benefit of the wife and children of Thomas Q.

Roberts.

An act to establish an election precinct in the county of Cumberland.

A act allowing an additional justice of the peace to the county of Lewis, and an additional constable to the county of Jefferson.

An act to incorporate the Walnut Hill Seminary, in Warren

county.

An act to authorise the county court of Washington county to increase the allowance to patrols of said county—

With amendments to the latter bill.

The said amendments were concurred in.

A bill from the House of Representatives, entitled, an act to amend the law authorising the sale of infants' estates, was read the third time, and re-committed to the committee of courts of justice.

A bill from the House of Representatives, entitled, an act for the benefit of William Shackleford, was read the third time.

Resolved, That the said bill do pass, and that its title be as aforesaid.

And then the Senate adjourned.

SATURDAY, FEBRUARY 15, 1834.

The Senate assembled.

Mr. H. Owsley was added to the committee of enrollments.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Charles C. Moore and Levi Van Camp.

An act to incorporate the Walnut Hill Seminary, in Warren county.

An act allowing an additional justice of the peace to the county of Lewis, and an additional constable to the county of Jefferson.

An act to establish an election precinct in the county of Cumberland.

An act to appoint a keeper or keepers of the Penitentiary, and for other purposes:

And had found the same truly enrolled; that bills had been

signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Prince reported that the committee had

performed that duty.

A message was received from the Governor, by Mr. Sanders, Secretary of State, announcing,—That the Governor did, on the 13th instant, approve and sign enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of the sheriffs of Washington and Wayne

counties.

An act to establish two election precincts in Pulaski county, and to change the place of voting in a precinct in Hardin county, and for other purposes.

An act for the benefit of the Cumberland Hospital.

An act to amend an act entitled, an act to incorporate the Louisville Hotel Company.

An act for the benefit of the heirs of William Dorton, deceased. An act to amend an act to amend the law to establish a state road, leading from the mouth of Salt river, to intersect the state road leading from Brandenburg to Bowlinggreen, approved, 15th January, 1831.

An act to incorporate the Galt House Company.

And on this day-

An act entitled an act to appoint a keeper or keepers of the Pen-

itentiary, and for other purposes.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act to establish the Bank of Kentucky, with amendments.

The said amendments were twice read and concurred in, except

the ninth, eleventh and thirteenth, which were disagreed to.

The part of the eleventh section of the bill to which the eleventh-

and thirteenth amendments apply reads thus:

Provided, There shall not be employed more than two-fifths of the capital stock actually paid in, as Banking capital in the city of Louisville, unless authorised by the Legislature, and the bonds or scrip paid in by the Commonwealth, shall not under this provision, be considered as capital paid in until sold, and the cash received by the bank; and it shall be lawful to employ the first five hundred thousand dollars, paid in by individuals, companies and corporations, as banking capital in Louisville; and it shall then be the duty of the President and Directors of the principal Bank, to employ the residue of the capital stock as paid in, to the establishment of

branches, until three-fifths of the capital stock paid in shall be employed in the branches—and thereafter, three-fifths of what shall be paid in, shall be employed in the branches; and the residue may be employed in the principal bank: and they shall establish the branch at the seat of government first, and the others in such order of time as they shall deem expedient.

The said eleventh and thirteenth amendments propose to strike out the word "not," and the words "until sold, and the cash receiv-

ed by the bank," printed in italics.

The yeas and nays being required, on concurring in said amendments, by Messrs. Willis and Daviess, were as follows, viz:

YEAS-Messrs. Chinn, Clark, Gilbert, Grider, Murrell, H. Ows-

lev. Thornton-7.

NAYS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Coffey, Conner, Daviess, Dejarnatt, Dougherty, Gholson, Guthrie, Harris, Heady, James, McDonald, McHenry, Nuttall. W. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Taylor, Willis, Wingate, Young—28.

On the motion of Mr. Boyd--

Resolved, That the committee of courts of justice inquire into the expediency of passing some law to procure the office papers of justices of the peace who become lunatic, and report by bill or otherwise.

Resolved, That the same committee enquire into the expediency of passing a law more effectually to compel the attendance of jus-

tices of the peace in court, and report by bill or otherwise.

Mr. Roberts presented the petition of George Matthis, jailor of Hardin county, praying compensation for his services and expenses, in pursuing and apprehending a fugitive from justice;

Which petition was received and referred to the committee of

finance.

On the motion of Mr. Southgate-

Leave was given to bring in a bill further to regulate the jurisdiction of the general court, and Messrs. Southgate, Chinn and W. Owsley, were appointed a committee to prepare and bring in the same.

Mr. W. Owsley, from the committee of courts of justice, to whom was referred, a bill for the benefit of the United Baptist Church at Elizabethtown, called Severn's Valley, reported the same without amendment:

It was ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

The yeas and nays being required on the passage thereof, by

Messrs. Dejarnatt and Wingate, were as follows, viz:

YEAS-Messis. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Conner, Cunningham, Gholson, Gilbert, Grider, Guthrie, Murrell, H. Owsley, W. Owsley, Parks, Prince, Roberts, Southgate, Thornton, Willis, Wingate-22.

NAYS-Messrs. Beaseman, Coffey, Daviess, Dejarnatt, Dougherty, Griffith, Harris, Heady, James, McDonald, McHenry, Nuttall,

Sisk, Taylor, Young-15.

Mr. W. Owsley from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act concerning free persons of color, in this commonwealth,

Reported the same with amendments, which were twice read

and concurred in.

Ordered, That the said bill, as amended, be read a third time.

Mr. W. Owsley from the same committee to whom was referred, a bill declaring the Bayou de Chien, in Hickman county, a navigable stream from the town of Moscow to Caldwell's Mill, reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that the title thereof

be as aforesaid.

Mr. W. Owsley from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act authorising the appointment of Clerks in vacation,

Reported the same with amendments which were twice read and

concurred in.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

On the motion of Mr. W. Owsley-The committee of courts of justic was discharged from the further consideration of a bill concerning the counties of Hardin and Meade-and it was referred to a committee of Messrs. Roberts, Grider, Daviess, Heady and Willis.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act to amend the laws concerning tavern keepers, reported the same with an amendment as a substitute for the bill, which was concurred in:

And the question being taken on reading the said bill a third

time, as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cunning-

ham and Heady, were as follows, viz:

YEAS-Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clarks Coffey, Daviess, Gholson, Gilbert, Grider, Guthrie, Heady, Mc-Henry, Nuttall, H. Owsley, W. Owsley, Prince, Roberts, Taylor, Thornton, Willis, Wingate, Young-24.

NAYS-Messrs. Beaseman, Conner, Cunningham, Dejarnatt, Dougherty, Griffith, Harris, James, McDonald, Murrell, Parks,

Sisk, Southgate-13.

Mr. W. Owsley moved to dispense with the rule of the Senate, constitutional provision, and third reading of the said bill;

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and

Willis, were as follows, viz:

YEAS-Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie, Heady, James, McDonald, Mc-Henry, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Taylor, Thornton, Willis, Young-31.

NAYS .- Messrs. Conner, Cunningham, Harris, Sisk, Southgate

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Cun-

ningham and Thornton, were as follows, viz:

YEAS-Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Daviess, Grider, Guthrie, Heady, McHenry, Nuttall, H. Owsley, W. Owsley, Prince, Roberts, Taylor, Thornton, Willis, Young-21.

NAYS-Messrs. Beaseman, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Gilbert, Griffith, Harris, James, McDonald,

Murrell, Parks, Sisk, Southgate-15.

The Speaker laid before the Senate, the annual report of the Treasurer of the Shelbyville and Louisville Turnpike road Company, which is as follows, viz:

S. and L. Turnpike Road Company, Dr. 1833. Oct. 1,-To amount paid in reduction of debt due the Bank of the United States, and Discounts, since \$5814 25 1st October last, To amount paid for repairs on road, since 1st 1343 33 October last, To amount of Officers' salaries and incidental 1709 59 expenses, since 1st October last.

Balance,	1-10 MANA	5 S	\$8867 17 38 83
			\$8906 00

1833.	S. and L. Turnpike Road Company,	Cr.
Oct. 1,-	-By cash received for tolls assessed on individual from 1st October last up to this instant, By tolls received at 1st gate from 1st Octob	\$1335 50
66	last up to this date, By tolls received at 2nd gate from do. By do. do. 3d do. By do. do. 4th do.	3084 00 1936 00 1311 00 1239 50
		\$8906 00
Oct. 1,	By balance in Treasury,	\$38 83

The above is the Annual Report of the Treasurer of the Shelbyville and Louisville Turnpike Road Company, to the Honorable Legislature of Kentucky, shewing the amount received on said road on account of tolls from 1st Oct. 1832, to 1st Oct. 1833,-and amount of expenses for said time, (principally for repairs and extension of road,) and the balance in the Treasury on the 1st Oct. 1833; all which is most respectfully submitted by

EDWARD D. HOBBS, Tr.

Mr. W. Owsley from the committee of courts of justice, reported the following resolution, viz:

Resolved, That the petition of Richard Taylor, and others, praying for the passage of a law directing the sale of certain lots in the town of Columbus, be rejected; which was twice read and concurred in.

Mr. Guthrie from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of the Mechanics of the towns of Covington and Newport,

Reported the same with an amendment, which was concurred in. Ordered, That the said bill, as amended, be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that its title be as aforesaid.

Mr. Daviess from the committee of propositions and grievances, to whom was referred a bill from the House of Representatives, entitled, an act to enlarge the boundaries of Georgetown, and for other purposes, reported the same without amendment, and it was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that its title be as afore-

A message was received from the House of Representatives, announcing their concurrence in amendments proposed by the Senate, to bills which originated in that House of the following titles, viz:

An act to improve and open the road from the Rocky Spring in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to amend in part, and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville.

An act allowing an appropriation of land warrants, to assist in the completion of a bridge across the mouth of Straight creek in Harlan county, and for other purposes.

An act to regulate the terms of certain circuit courts, and for

other purposes.

An act to incorporate the Winchester and Lexington Turnpike

Company. An act to appropriate four hundred dollars to aid in improving the state road leading from Owenborough to Bowlinggreen.

An act to incorporate the Green River Turnpike Road Com-

A message was sent to the House of Representatives, informing them that the Senate were ready to proceed to the election of public officers.

A message was received from the House of Representatives, announcing that they were also ready to proceed to the election.

After interchanging nominations between the Houses, the Senate proceeded to vote for the several officers; and Messrs. Daviess and Murrell, and Messrs. Talor and Willis, were appointed committees, on the part of the Senate, to compare the joint vote and report the result.

Mr. James Davidson received the unanimous vote of both houses, for Treasurer of this Commonwealth, for the ensuing year, and

was declared duly elected.

The joint vote for public printer stood thus:

For Mr. Albert G. Hodges, -83. For Mr. Jacob H. Holeman, -50.

Mr. Hodges having received a majority of all the votes given, was declared duly elected public printer for the ensuing year.

Mr. George A. Robertson received the unanimous vote of both houses, for public Librarian, for the ensuing year, and was declar-

ed duly elected.

After taking six several votes for Keeper of the Penitentiary, Mr. Thomas S. Theobalds, on the sixth vote, having received a majority of all the votes, was declared duly elected Keper of the Penitentiary.

Mr. Peter Dudley having received the unanimous vote of both houses, for President of the Bank of Kentucky, for the ensuing year,

was declared duly elected.

Mr. Henry Wingate having received the unanimous vote of both houses, for President of the Bank of the Commonwealth, was declared duly elected.

Mr. Harris from the committee of internal improvements, to whom was referred, a bill to provide for repairing the state road leading from Prestonsburg, by way of Pikeville, to the Virginia line,

Reported the same with amendments, which were concurred in. Ordered, That the said bill be engrossed and read a third time. The rule of the Senate, constitutional provision, and third read-

ing thereof, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that its title be amend-

ed by adding thereto, "and for other purposes."

Mr. Southgate from the committee appointed for that purpose, reported a bill further to regulate the jurisdiction of the general court,

Which was read the first time, and ordered to be read a second

time

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of courts of justice.

Mr. Grider from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled, an act to improve the state road from London to the Tennessee state line,

Reported the same with amendments, which were concurred in; And the said bill was referred to the committee of finance.

Mr. Clark from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act to incorporate the Georgetown and Rail Road Turnpike company,

Reported the same with an amendment, which was concurred in;

And the said bill was referred to the committee of finance.

Mr. Boyd presented the petition of sundry citizens of Shelby county, praying for an election precinct in said county,

Which petifion was received and referred to a committee of Messrs. Boyd, Nuttall, James and Conner.

Mr. Taylor from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, an act to repeal in part, and amend an act, entitled, an act for the endowment of a Seminary of learning in the town of Brandenburg, in Meade county, and for other purposes,

Reported the same without amendment, with the opinion of the

committee that it ought not to pass.

And then the Senate adjourned.

MONDAY, FEBRUARY 17, 1834.

The Senate assembled.

The Speaker laid before the Senate a communication from Robert Wickliffe, Chairman of the Board of Trustees of Transylvania University, expressing the willingness of the Trustees to promptly meet the charges of Benjamin O. Peers, against them, contained in his memorial, presented to the Senate on the 14th instant;

Which communication was referred to the committee of educa-

tion.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill amendatory of the several acts relating to the town of Newport, in Campbell county,

Reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that its title be as

aforesaid.

Mr. Wingate from the committee of religion, reported the following resolution, viz:

Resolved, That the petition of Israel Rose, praying for a divorce from his wife, Polly Rose, be rejected, which was concurred in.

Mr. Wingate from the same committee, to whom was referred, bills from the House of Representatives of the following titles, viz:

An act for the benefit of John F. Power. An act for the benefit of Polly Raines. An act for the benefit of Elizabeth Miller. An act for the benefit of Amanda Eoff.

An act for the benefit of Drury Evans—

Reported the same with the opinion of the committee, that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. Wingate from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act incorporating the Mount Pleasant United Baptist Church Society, in the town of Brandenburg,

Reported the same without amendment, and it was referred to

the committee of courts of justice.

Mr. Wingate from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of Elizabeth Godly,

Reported the same with an amendment, which was concur-

red in.

Ordered, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading of the same having been dispensed with,

Resolved, That the said bill, as amended, do pass, and its title

be as aforseaid.

A message was received from the House of Representatives, announcing that they had received official imformation that the Governor did, on the 11th instant, approve and sign, an enrolled bill, which originated in that house, entitled,

An act to authorise the subscription of stock on the part of the state, in the Louisville and Bardstown Turnpike Road Company.

On the 13th—bills of the following titles,—An act for the benefit of Robert Ferguson.

An act to change the place of holding the election in the Gore precinct, in Daviess county, and for other purposes.

An act to improve the navigation of Barren river, and for other purposes.

An act to increase the Revenue.

And on the 14th instant,—Bills of the following titles, viz:

An act concerning the Troop of Cavalry attached to the 7th Regiment and 13th Brigade, Kentucky Militia.

An act to authorise the Trustees of the Hardin Seminary to sell lot No. 31, in the town of Elizabeth, and for other purposes.

An act to incorporate the Richmond and Lexington Turnpike Road Company,

An act for the benefit of the Sheriff of Madison county.

And a joint resolution, entitled, a resolution fixing on a day for

the election of public officers.

And that they had receded from the ninth, and insisted on the eleventh and thirteenth amendments proposed by them, to a bill from the Senate, entitled, an act to establish the Bank of Kentucky.

On the motion of Mr. Guthrie-

Resolved, That the Senate adhere to their disagreement to the said eleventh and thirteenth amendments.

Mr. Taylor from the committee of finance, to whom was referred, a bill from the House of Representatives, entitled, an act to im-

prove the navigation of Nolin, reported the same with amendments, which were concurred in.

Ordered, That the said bill be read a third time, as amended. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill as amended, do pass, and that its title

thereof be as aforesaid.

Mr. Taylor from the same committee to whom was referred, a bill for the benefit of the sheriff of Floyd county,

Reported the same with an amendment, which was concurred in; And the said bill was ordered to be engrossed and read a third

ime.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that its title be, an act

for the benefit of the sheriff of Barren county.

Mr. Taylor from the same committee, to whom was referred, a bill for the benefit of Edward H. Earle, and others, reported the same with an amendment.

The said bill and amendment were referred to a committee of

Messrs. Sisk, Heady, Griffith, Prince and James.

Mr. Taylor from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to allow the county of Mason an additional justice of the peace, and for other purposes,

Reported the same with an amendment, which was concurred in, and the said bill was referred to a committee of Messrs. Harris,

Daviess and Coffey.

After a short time, Mr. Harris from the said committee, reported

the said bill with amendments, which were concurred in:

Ordered, That the said bill be read a third time as aforesaid. The rule of the Senate, constitutional provision, and third read-

ing thereof, having been dispensed with,

Resolved, That the said bill do pass, and that its title be amended to read, an act to allow an additional justice of the peace, and constable, to Floyd county, and an additional justice of the peace to Pike county.

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to amend the several laws establishing and regulating towns in this Common-

wealth, reported the same without amendment.

The said bill was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with,

Resolved, That the said bill do pass, and that the title thereof, be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Chinn-

A bill for the benefit of Isabella and William Steele.

On the motion of Mr. Heady-

A bill for the benefit of William Samuel, late sheriff of Nelson

After a short time, Mr. Chinn and Mr. Heady, from the said committees, reported the said bills, which were read the first time; and ordered to be read a second time.

The rule of the Senate, constitutional provision and second and third readings of the said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

On the motion of Mr. Boyd-

Leave was given to bring in a bill for the benefit of John Harrison; and Messrs Boyd, Cunningham and James, were appointed a committee to prepare and bring in the same.

The following bill was reported by Mr. Boyd, from the committee appointed to prepare and bring in the same, viz:

A bill to establish an election precinct in Shelby county;

Which bill was read the first time and ordered to be read a se-

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that its title be as

aforesaid.

On the motion of Mr. Prince-

Leave was given to bring in a bill to increase the pay for travelling of the members of the general assembly, and Messrs. Prince, Gholson and James, were appointed a committee to prepare and bring in the same.

A bill from the House of Representatives, entitled, an act for the benefit of Amelia S. Barnes, was taken up, and ordered to be

read a third time.

The rule of the Senate, constitutional provision, and third read-

ing thereof having been dispensed with, Resolved, That the said bill do pass, and that its title be as

aforesaid.

The joint resolution, read and laid on the table by Mr. Mc-Henry, on the 12th instant, was taken up and referred to the committee of internal improvements.

The joint resolution read and laid on the table by Mr. McHenry, on the 11th instant, was taken up and referred to the committee of

courts of justice.

The Senate resumed the consideration of a bill from the House of Representatives, entitled, an act to repeal in part, and amend an act entitled, an act for the endowment of a Seminary of learning in the town of Brandenburg, in Meade county, and for other purposes.

Mr. McHenry moved to amend the said bill.

The said bill and amendment were referred to a committee of Messrs. Roberts, H. Owsley, James, Heady, McHenry, Prince and Gholson.

Engrossed bills of the following titles, viz:

1. An act to amend the law authorising the change of venue in civil cases.

2. An act to explain the powers of the several county courts in this Commonwealth.

3. An act to appoint an additional justice of the peace in the county of Gallatin.

4. An act abolishing the Louisville chancery court-

Were severally read the third time.

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid, except the third, which was amended by adding there-

to, "and a constable in Simpson county."

A bill providing a more speedy remedy for recovering the possession of real and leasehold estates sold under execution, was amended and ordered to be engrossed and read a third time tomorrow.

A bill prescribing the duty of Clerks in certain cases, was order-

ed to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to extend the bounds of the town of Elizabeth, in Hardin county, Kentucky.

An act to establish an election piecinct in Bourbon county, and authorising the court to appoint a constable.

An act to appropriate some of the vacant lands in certain counties, to the improvement of their roads.

An act for the benefit of the wife and children of Thomas Q. Roberts.

An act concerning the town of Alexandria, in Campbell county. An act to incorporate a company to construct a turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county,

An act for the benefit of Samuel Monson.

An act to regulate the terms of certain circuit courts, and for

other purposes.

An act to open and improve the road from Leesburg in Harrison county, to intersect the Georgetown and Cincinnati Turnpike Road.

An act for the benefit of John H. Slaughter.

An act to authorise the county court of Hancock to sell a part of the public ground in Hawesville, and for other purposes.

An act to authorise the depositions of judges to be taken in

common law cases.

An act to erect an election precinct in Livingston county.

An act allowing an additional constable to the county of Campbell, and for other purposes.

An act to abolish the February chancery term of the Mont-

gomery circuit court.

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act to add a part of Bracken county to the county of Harri-

son.

An act to appropriate four hundred dollars to aid in improving

the state road, leading from Owensborough to Bowlinggreen.

An act to amend in part, and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by the way of the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line, in a direction to Nashville.

An act to appropriate an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to incorporate the Danville, Lancaster and Nicholasville

Turnpike Road Company.

An act to improve the navigation of Muddy river.

An act allowing an appropriation of Land warrants, to assist in the completion of a bridge across the mouth of Straight creek, in Harlan county, and for other purposes.

An act for the benefit of the 38th and 35th Regiments of Ken-

tucky Militia.

An act to improve the navigation of Tradewater river.

An act to improve and open the road from the Rocky Spring, in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

And had found the same truly enrolled;

That the said bills had been signed by the Speaker of the House

of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Bills from the House of Representatives of the following titles, viz:

An act for the benefit of the constables of Scott county.

An act for the benefit of Mary Ann Forrester.

An act to establish an election precinct in Garrard county.

An act to change the place of voting at Christiansburg, in Shelby county.

An act for the benefit of William B. Cook.

An act for the benefit of James Buchannan.

An act for the benefit of William M. Drake, and others. An act for the benefit of the sheriff of Muhlenburg county.

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with,

Resolved, That the said bills do pass, and that their titles be as

Bills from the House of Representatives of the following titles,

1 An act to provide for the appointment of Commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act approved, February 2d, 1833.

2. An act to authorise an additional subscription, on the part of the Commonweulth, in the stock of the Board of Internal Improvements, for Franklin county.

3. An act prescribing the mode of contesting the elections of Representatives to the Congress of the United States.

4. An act concerning the estates of Lunatics and Idiots.

5. An act for the benefit of Eliza Boyd.

6. An act for the benefit of Jesse Walker, and others—

Were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bills having been dispensed with, they were referred: the first, to a committee of Messrs. Grider, Murrell, Sisk and Cunningham; the second and sixth, to the committee of finance; the third and fourth, to the committee of courts of justice; and the fifth, to the committee of religion.

A bill from the House of Representatives, entitled, an act for the benefit of Isabella Rowland, was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, of the following title, viz:

An act to incorporate the Buck Run Academy-

Was read the first time; and the question being taken on reading the said bill a second time, it was decided in the negative—

and so the said bill was disagreed to.

A message was received from the House of Representatives, announcing that they had receded from their eleventh and thirteenth amendments to a bill from the Senate, entitled, an act to establish the Bank of Kentucky;

That they had concurred in the amendment proposed by the Senate to a bill from that House, entitled, an act to prevent the sale

of growing crops.

That they had passed bills of the following titles, viz:

An act for the benefit of Rebecca Lewis. An act for the benefit of Angerona Green.

An act for the benefit of Celia E. Seth and Jane Johnson, in-

An act for the benefit of the heirs of George Gill, deceased.

An act to incorporate the Fireman's Insurance Company of Louisville.

An act to change the time of the annual meeting of the general

assembly of the Commonwealth of Kentucky.

And that they had passed bills from the Senate of the following titles, viz:

An act for the benefit of the sheriff of Barren county.

An act for the benefit of the heirs of Adam Link, deceased.

An act for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

An act providing for the sale of real estate, in certain cases.

An act for the benefit of Harriet Johnson.

An act to provide for the payment of private property taken for public purposes.

An act to amend the charter of the city of Louisville.

An act to amend the law prescribing penalties for obstructing navigation.

An act for the benefit of William Samuels, late sheriff of Nelson

county:-

With amendments to the three latter bills.

The said amenments to the act to amend the charter of the city

of Louisville, were concurred in.

The first and second amendments to the act to amend the law prescribing penalties for obstructing navigation, were disagreed to, and the third amendment was concurred in, with an amendment.

Mr. Heady moved to re-consider the vote concurring in the third

amendment;-

And the question being taken thereon, it was decided in the af-

firmative.

The yeas and nays being required thereon, by Messrs. Clark and Heady, were as follows, viz:

YEAS-Messrs. Beaseman, Bramlette, Conner, Dejarnatt, Dougherty, Gilbert, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, Sisk, Southgate, Willis, Wingate, Young-18.

NAYS-Messrs. Bibb, Boyd, Brown, Chinn, Clark, Coffey. Daviess, Gholson, Grider, Guthrie, H. Owsley, W. Owsley, Prince,

Roberts, Taylor, Thornton-16.

The said amendment proposes to add to the bill the following

proviso, to-wit:

"Provided, that this act shall not embrace or be construed to extend where dams of any kind shall be built upon any stream made navigable by law, if the same shall have been, or may hereafter be built in pursuance to law."

Mr. Harris moved to lay the said bill and amendments on the

table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Heady, were as follows, viz:

YEAS-Messrs. Beaseman, Bramlette, Conner, Cunningham, Dejarnatt, Dougherty, Gilbert, Harris, Heady, James, McDonald, McHenry, Murrell, Nuttall, Sisk, Willis, Wingate, Young-18.

NAYS .- Messrs. Bibb, Boyd, Brown, Chinn, Clark, Coffey, Daviess, Gholson, Grider, Guthrie, H. Owsley, W. Owsley, Prince, Roberts, Southgate, Taylor, Thornton-17.

And then the Senate adjourned.

TUESDAY, FEBRUARY 18, 1834.

The Senate assembled.

Mr. Dougherty from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act to authorise the Trustees of the Hardin Seminary to sell lot No. 31, in the town of Elizabeth, and for other purposes.

An act to improve the navigation of Big Barren river.

An act to incorporate the Shepherdsville and Elizabethtown Turnpike Road Company.

An act to amend an act, entitled, an act to establish a state road from Berry's ferry on the Ohio river, to Salem, and from Madisonville to Salem, approved Jan. 22, 1830.

An act to incorporate the Green River Turnpike Road Com-

An act to enlarge the boundaries of Georgetown, and for other purposes.

And had found the same truly enrolled; that said bills had been

signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Dougherty reported that the committee

had performed that duty.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, viz:

An act to change the time of holding the Laurel Circuit Court, and for other purposes.

An act to amend the law establishing a State road from Lexing-

ton to Ghent, on the Ohio river.

An act to appropriate a sum of money to improve the road from the City of Louisville to the Tennessee State line, in the direction to Knoxville.

An act to improve certain roads in the counties of Lawrence,

Morgan, Floyd and Greenup.

An act for building a bridge across Main Licking, at Claysville.

And that they had passed bills from the Senate of the following titles, viz:

An act to improve the road from Carlisle, Flemingsburg, &c. to

the mouth of Big Sandy river.

An act to incorporate a company to turnpike a road from Frankfort to Lexington, by way of Versailles.

An act for the benefit of the Lexington and Ohio Rail Road

Company.

An act authorising the erection of a bridge across the mouth of Licking river, at or near its junction with the Ohio river.

An act to turnpike the stage road from Lexington to Nashville,

where it passes over Muldrow's Hill.

An act to improve the navigation of Big Barren river.

An act to amend the act to incorporate the Rolling Fork Bridge Company, approved, December 2, 1831, and for other purposes,—

With amendments to the four latter bills.

The said amendments were concurred in,—those to the act to improve the navigation of Big Barren river, with an amendment.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act to prohibit the circulation, within this Commonwealth, of Bank notes of a less denomination than five dollars, reported the same without amendment.

Mr. Southgate moved to amend the said bill.

Mr. Conner moved to lay the said amendment on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner

and Southgate, were as follows, viz:

YEAS—Messrs. Beaseman, Bramlette, Clark, Coffey, Conner, Cunningham, Daviess, Harris, James, McDonald, McHenry, Parks, Prince, Sisk, Southgate, Thornton, Willis, Wingate, Young—19.

NAYS—Messrs. Bibb, Boyd, Brown, Chinn, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie, Heady, Murrell, Nuttall, H. Owsley, W. Owsley, Roberts, Taylor—18.

Mr. W. Owsley from the same committee, to whom was referred, a bill from the House of Representatives, entitled, an act to amend the penal laws of this Commonwealth, and the better to secure and guard the right of suffrage, and freedom of elections therein,

Reported the same without amendment. The said bill was laid on the table.

Mr. W. Owsley from the same committee to whom was referred, a bill to amend the law in relation to the Bank of the Commonweale of Kentucky,

Reported the same with the opinion of the committee that it

ought not to pass.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of every act as authorises the appointment of agents to wind up the concerns of the Bank of the Commonwealth of Kentucky, or authorises the appointment of Directors to attend to the business of said bank, shall be and the same is

hereby repealed.

Be it further enacted, That from and after the passage of this act, the Secretary of State, Treasurer, Auditor and Attorney General, for the time being, shall constitute a board of directors to be called upon whenever the business of said bank shall, in the opinion of the President, require their counsel and advice, a majority of whom shall constitute a quorum to do business; and there shall not be employed in said bank any other officers than the President, Cashier, and one Clerk, who shall attend not only to the business of said bank, but to the collections in the principal bank district as originally constituted.

Be it further enacted, That it shall be the duty of the President of said bank, to employ well qualified and respectable agents in the several bank districts, and place in their hands the notes and other debts due to said bank in the county or district in which said agent or agents are emploped, taking their receipt for the same; and it shall not be necessary for said agents to renew said notes at the end of every six months, as heretofore, but he shall, from time to time, endorse upon said notes, the payments made, as now required

by law. And it shall be the duty of said agent to keep a schedule of the amount and time when any payment is made; which schedule he shall furnish the bank at the time he pays over the money collected by him. Provided however, That if any of the agents employed shall have reason to believe that the security to any note or notes is not good, he shall have the right to demand of the debtor, other and further security, which he shall believe to be good, and if not given by said debtor, he shall immediately put the note or notes in suit:-said agent is authorised to employ counsel at the legal fee in plain cases, and in contested cases, the President and Directors shall make any additional allowance that they may deem right. And provided further, That before any agent enters upon the duties required by this act, he shall execute bond with good security, payable to the Commonwealth of Kentucky, in a penalty equal to the amount of the notes, judgments and other demands due to said bank, which may be put into his hands to collect, conditioned that he will faithfully perform the duties required by this act, and that he will pay over to said bank, from time to time, the money by him collected, within every ninety days, and render to said bank a true and faithful account of his actings and doings. And if any agent shall fail to perform the duties herein required, he shall be subject to any action upon his said bond against said agent and his securities, in the name of the President and Directors of said bank, in any court having jurisdiction thereof, under the same rules and restrictions which are now provided by law in the case of motions against attorneys at law for failing to pay over moneys collected by them, and subject to the same damages.

Be it further enacted, That the President of said bank shall contract with said agents for such compensation as they are to receive for the discharge of the duties herein required, so as to give to said agent, exclusive of the legal fees to attorneys and other officers, not more than three per cent, nor less than one per cent, upon all moneys by him or them collected and paid over to said bank.

Provided moreover, That for extraordinary services, a reasonable

allowance shall be made to said agent.

Be it further enacted, That said President and Board of Directors shall have power and authority to compromise and adjust any doubtful or disputed claim or claims which said bank may have against any individual or individuals, upon such terms as they may deem most beneficial to the interest of said bank. And whenever the President shall deem it to be the interest of said bank to employ additional counsel in any disputed case, in which the said bank shall be a party, he shall have the right to do so.

Be it further enacted, That within sixty days after the passage of this act, the present agents shall settle their accounts with said bank, and pay over all moneys by them collected, and surrender up all notes and other claims put into their hands to collect, and upon failure to do so, they or either of them, shall be procedeed against

as a defaulting agent or collector.

Be it further enacted, That the said President, with the advice of the Board of Directors, shall be authorised to sell and convey in the name of the corporation, any real estate that belongs to said bank, upon such terms and credits as may be deemed most to the interest of said bank; taking bond with good security from the purchaser, for the payment of the purchase money.

Mr. Heady moved to amend the said bill by adding thereto, the following section, viz:

Be it further enacted, That from and after the first day of June next, there shall be the further time of eighteen months, allowed to the debtors to the bank of the Commonwealth, to pay their debts to said bank, to be paid in three equal instalments, so as the last instalment will fall due at the further expiration of the eighteen months.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Heady and Prince, were as follows, viz:

YEAS—Messrs. Beaseman, Coffey, Conner, Cunningham, Daviess, Harris, Heady, McDonald, Sisk—9.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Guthrie, James, McHenry, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Taylor, Thornton, Willis, Wingate, Young—27.

The question was then taken on engrossing the said bill and reading it a third time, and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Daviess and Willis, were as follows, viz:

YEAS-Messrs. Beaseman, Coffey, Conner, Daviess, Dejarnatt,

Gilbert, Grider, Harris, McHenry, Young-11.

NAYS—Messrs. Bibb, Boyd, Bramlette, Browp, Chinn, Clark, Cunningham, Dougherty, Gholson, Griffith, Guthrie, Heady, McDonald, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Prince, Roberts, Sisk, Southgate, Taylor, Thornton, Willis, Wingate—26.

Mr. Prince from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to authorise the county courts of certain counties to increase the allowance to patrols of said counties.

An act to establish the Bank of Kentucky.

And had found the same truly enrolled; that they had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature

thereto, and they were delivered to the committee, to be presented to the Governor for his approbation and signature.

After a short time, Mr. Prince reported that the committee had

performed that duty.

The amendments of the House of Representatives, to a bill from the the Senate, entitled, an act for the benefit of William Samuels, late sheriff of Nelson county,

Were twice read and concurred in.

Bills from the House of Representatives, of the following titles,

- 1. An act to appropriate a sum of money to improve the road from the city of Louisville, to the Tennessee state line in a direction to Knoxville.
 - 2. An act to amend the act incorporating the city of Maysville. 3. An act to establish a road from Owenton to Warsaw, in Gal-

latin county.

4. An act to amend the law regulating elections in this Common-

5. Act to discontinue the inspection of tobacco at the warehouse

of William H. Booth, in the city of Louisville. 6. An act to establish an election precinct in Montgomery

7. An act to establish the town of Portland, and for other pur-

poses. 8. An act regulating the mode of setling the accounts of execu-

tors, administrators and guardians. 9. An act to amend an act, entitled, an act to compel the speedy

adjustment of land claims, approved February 9, 1809.

10. An act for the benefit of Henry Crist.

11. An act to amend the charter of the city of Lexington.

12. An act to improve the navigation of Pond river, and for other purposes.

13. An act for the benefit of Rebecca Lewis. 14. An act for the benefit of Angerona Green.

15. An act for the benefit of the heirs of George Gill, deceased. 16. An act to change the annual meeting of the General Assembly of the Commonwealth of Kentucky.

17. An act to incorporate the Fireman's Insurance Company, in

Louisville.

18. An act to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup.

19. An act to amend the law establishing a state road from

Lexington to Ghent, on the Ohio river.

20. An act for building a bridge across Main Licking, at Clays-

The said bills were severally read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision and second reading of the said bills having been dispensed with, they were referred: the first and twentieth, to the committee of finance; the second, fourth, fifth, seventh, eighth, ninth, tenth, eleventh, fifteenth and seventeenth, to the committee of courts of justice; the third, twelfth and eighteenth, to the committee of internal improvements; the sixth, to a committee of Messrs. Young, Conner, Harris and Willis; the thirteenth and fourteenth to the committee of religion; the nineteenth, to a committee of Messrs. Wingate, Chinn, Thornton and Clark; and the sixteenth, to the committee of propositions and grievances.

Resolutions from the House of Representatives of the following

titles, viz:

A joint resolution inviting the attention of the Legislature of Louisiana to their inspection laws, so far as relates to the classification of tobacco.

A joint resolution directing the Secretary of State to furnish

Mann Butler with copies of certain documents.

A resolution proposing certain amendments to the Constitution

of the United States, for the adoption of the several states,

Were twice read and referred: the second, to the committee of education; and the first and third, to the committee of courts of justice.

Bills from the House of Representatives of the following titles,

VIZ:

An act to declare Rockcastle creek a navigable stream.

An act to repeal an act entitled, an act for the benefit of the Boone Academy, approved January 2, 1833.

An act to legalize the proceedings of the county court of Liv-

ingston, at their February term, 1834.

An act for the benefit of Celia E. Seth and Jane Johnson, in-

An act to change the time of holding the Laurel circuit court, and for other purposes,

Were severally read the first time and ordered to be read a se-

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

A bill from the House of Representatives, entitled,

An act for the benefit of James Stephenson,—was read the first time.

And the question being taken on reading the same a second time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Clark, the said vote was reconsidered, and the said bill was ordered to be read a second time. The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of finance.

A bill from the House of Representatives, entitled, an act for the benefit of John Holt, Sen. was read the third time.

Resolved, That the said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to repeal the 4th section of an act entitled, an act further to regulate the Wilderness and Turnpike Road, approved the 11th of January, 1830, and to provide for the appointment of overseers on said road, and for other purposes,

Was read the third time as amended.

Mr. Dejarnatt moved to lay the said bill on the table until the first day of June next:

And the question being taken thereon, it was decided in the ne-

The yeas and nays being required, by Messrs. Dejarnatt and Gilbert, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Clark, Daviess, Dejarnatt, Gholson, Gilbert, Murrell, Parks, Prince—11.

NAYS-Messrs. Chinn, Coffey, Cunningham, Griffith, Guthrie, Harris, Heady, James, McHenry, Nuttall, H. Owsley, W. Owsley, Sisk, Southgate, Taylor, Thornton, Willis, Wingate, Young-

Resolved, That the said bill, as amended, do pass, and that its title be as aforesaid.

A bill from the House of Representatives, of the following title, viz:

An act to prevent the burning of the woods in certain counties, Was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and it being amended;

Resolved, That the said bill as amended, do pass, and that its title be as aforesaid.

A bill from the House of Representatives, entitled, an act concerning free persons of color in this Commonwealth, was read the third time as amended, and it was referred to a committee of Messrs. Taylor, Griffith and Daviess.

An engrossed bill, entitled, an act prescribing a more speedy remedy for recovering the possession of real and leasehold estates, sold under execution, was read the third time.

Resolved, That the said bill do pass, and that its title be as

The amendments of the House of Representatives, to a bill from

the Senate, entitled, an act to amend the law prescribing penalties for obstructing navigation, was taken up.

Resolved, That the Senate concur in the third amendment to the

said bill, with an amendment.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Southgate-

A bill to amend an act for the benefit of the heirs of Benjamin Beall and Jannette H. Beall, late of Campbell county, approved, December 15, 1823.

On the motion of Mr. Clark-

A bill for the benefit of Isaac Cunningham and Matthew Thompson, the late and present sheriffs of Clarke county, and concerning the collection of the revenue tax, and county levies, in said county.

Messrs. Southgate, Clark and Wingate, were appointed a committee to prepare and bring in the first; and Messrs. Clark, Wingate and Thornton, the second bill.

After a short time, Mr. Clark from the said committee, reported

the second bill-

It was read the first time, and ordered to be read a second time. The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, and the same being engrossed;

Resolved, That the said bill do pass, and that its title be as

aforesaid.

The following bills were reported from the several committees appointed to prepare and bring in the same, viz:

By Mr. Prince,—a bill to increase the pay for travelling, of the

members of the General Assembly.

By Mr. Harris,—a bill to provide for a re-survey of the town of Prestonsburg.

The said bills were each read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second and third readings thereof, having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

Mr. Grider from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to provide for the appointment of Commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act approved, February 2d, 1833,

Reported the same without amendment, and it was placed in

the orders of the day.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 19, 1834.

The Senate assembled.

Mr. H. Owsley presented the petition of Edward Leach, praying for a divorce from his wife, Nancy Leach.

Which was received and referred to the committee of religion. A message was received from the House of Representatives, announcing that they had concurred in the amendments of the Senate to bills from that House, of the following titles, viz:

An act for the benefit of the Mechanics in the towns of Covington and Newport.

An act to improve the navigation of Nolin.

An act authorising the appointment of clerks, in vacation.

An act for the benefit of Elizabeth Godly.

An act to prevent the burning of the woods in certain counties. An act to allow the county of Mason an additional justice of the peace, and for other purposes.

An act to improve the navigation of Muddy river.

An act to amend the laws concerning tavern keepers;-

With amendments to the amendments of the Senate, to the latter bill.

That they had passed bills from the Senate, entitled,— An act for the benefit of Isabella and William Steele:—

An act making an appropriation to aid the counties of Calloway and Graves in building certain bridges,

With amendments to the latter bill;

Which amendments were referred to the committee of finance.

And that they had passed bills entitled,-

An act to incorporate the Israelite Congregation in the Land of the West, at the city of Louisville.

An act for the benefit of the widow and heirs of Richard Hall, deceased.

An act for the benefit of John Fletcher.

An act to establish an additional election precinct in the county of Henderson.

An act to incorporate the town of Covington.

The latter bill was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill, having been dispensed with, it was referred to the committee of courts of justice.

Mr. Prince from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of the sheriff of Barren county.

An act for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

An act to provide for the payment of private property taken for public purposes.

An act for the benefit of the devisees and heirs of Adam Link,

deceased.

An act to incorporate a Company to turnpike a road from Frankfort to Lexington, by way of Versailles.

An act to amend the charter of the city of Louisville.

An act for the benefit of Harriet Johnson.

An act providing for the sale of real estate, in certain cases. An act for the benefit of the Lexington and Ohio Rail Road

Company. An act authorising the erection of a bridge across Main Licking

river, at or near its junction with the Ohio river.

And had found the same truly enrolled;

That the said bills had been signed by the Speaker of the House

of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time Mr. Prince reported that the committee had

performed that duty.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, the amendments proposed by the House of Representatives to a bill from the Senate, entitled, an act to amend the law concerning executions,

Reported the same without amendment, and the said amend-

ments were concurred in.

Mr. W. Owsley from the same committee, reported a bill prescribing the duty of justices of the peace, in certain cases,

Which was read the first time, and ordered to be read a second

time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to a committee of Messrs. W. Owsley, Willis, James, Grider and Harris.

Mr. Conner from the committee of enrollments, reported that the committee had examined enrolled bills of the following titles, viz:

An act for the benefit of Mary Ann Forester. An act for the benefit of James Buchanan.

An act for the benefit of William B. Cook. An act to change the place of voting at Christiansburg, in Shel-

by county. An act to incorporate the Winchester and Lexington Turnpike

Company. An act for the benefit of Amelia S. Barnes.

And had found the same truly enrolled;

That said bills had been signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Mr. Conner reported that the committee

had performed that duty.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, "an act regulating the mode of settling the accounts of executors, administrators and guardians,

Reported the same with an amendment, which was concurred in.
The said bill was further amended, and ordered to be read a third

time as amended.

Mr. W. Owsley from the same committee to whom was referred, bills from the House of Representatives, entitled,—

An act concerning the estates of Lunatics and Idiots.

An act prescribing the mode of contesting the elections of Representatives to the Congress of the United States:—

Reported the same, with the opinion of the committee that they

ought not to pass.

And the question being taken on reading them a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. W. Owsley from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act to amend

the charter of the city of Lexington,

Reported the same with an amendment, which was concurred in. Ordered, That the said bill, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with,

Resolved, That the said bill, as amended, do pass, and that its

title be as aforesaid.

Mr. Guthrie from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act to incorporate the Fireman's Insurance Company of Louisville.

Reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with,

Resolved, That the said bill do pass, and that its title be as aforesaid.

Mr. Guthrie from the same committee, reported a bill to amend the charter of the Maysville, Washington, Paris and Lexington Turnpike Rord Company, and for other purposes:

Which was read the first time and ordered to be read a second

time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that the title thereof be

as aforesaid.

Mr. W. Owsley from the same committee to whom was referred. a bill from the House of Representatives, entitled, an act to amend the law regulating elections in this Commonwealth,

Reported the same without amendment, and it was laid on the

table.

A message was received from the House of Representatives, announcing the passage of bills from the Senate, entitled, an act supplementary to an act, entitled, an act to establish the county of

An act to alter the time of holding the Meade circuit court,

and for other purposes.

An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Bullitt county; with amendments to each.

The said amendments were concurred in.

And that they had receded from their first and second amendments, to a bill from the Senate, entitled, an act to amend the law prescribing penalties for obstructing navigation, and had concurred in the amendment of the Senate to their third amendment to the said bill.

And that they had concurred in the amendment proposed by the Senate to the amendment proposed by that House, to a bill from the Senate, entitled, an act to improve the navigation of Big Bar-

ren river.

Mr. Daviess from the committee of propositions and grievances, to whom was referred a bill from the House of Representatives, entitled, an act to change in part the line of Marion county,

Reported the same without amendment.

The said bill is as follows, viz:

Be it enacted by the Gen ral Assembly of the Commonwealth of Kentucky, That all that part of the county of Marion, ertablished at the present session, which lies within the following boundaries, viz: To begin on the present line at or near Lloyd Ray's, and running thence in a straight line to Owen Thomas'; thence a straight line to Berdit Vancleave's; thence a straight line to Henry Buckler's, and from thence a due west course, to the Nelson county line, and with that line to the Beech Fork at the mouth of Hardin's creek, and up Hardin's creek with the line as called for in the bill to establish the county of Marion, to Lloyd Ray's, leaving Owen Thomas and Henry Buckler in the old county of Washington, and Berdit Vancleave in the county of Marion, be and the same is hereby added to, and shall remain as a part of Washington county, as though this had been the original boundary line called for in the bill to establish said county of Marion.

Mr. Willis moved to lay the said bill on the table, until the first day of June next,

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Willis and McDonald, were as follows, viz:

YEAS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gholson, Gilbert, Guthrie, Harris, Heady, McHenry, Nuttall, Parks, Prince, Roberts, Sisk, Willis, Wingate, Young—19.

NAYS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clarke Conner, Cunningham, Grider, Griffith, James, McDonald, Murrell, H. Owsley, W. Owsley, Southgate, Taylor, Thornton—18.

The amendments proposed by the House of Representative, upon concurring in the amendment proposed by the Senate, to a bill from that House, entitled, an act to amend the laws concerning tavern keepers, were twice read and concurred in.

Mr. Heady from the committee, to whom was referred, a bill from the House of Representatives, entitled, an act to repeal in part, and amend an act entitled, an act for the endowment of a Seminary of learning in the town of Brandenburg, in Meade county, and for other purposes,

Reported the same with an amendment.

The said bill and amendment were referred to the committee of finance.

A bill from the House of Representatives, entitled, an act to amend the penal laws of this Commonwealth, and the better to secure and guard the right of suffrage, and freedom of elections therein, was taken up and referred to the committee of courts of justice.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Boyd-

A bill allowing additional constables to Shelby county.

On the motion of Mr. Willis-

A bill to establish an election precinct in Hart county.

Messrs. Boyd, James and Heady, were appointed a committee to prepare and bring in the former, and Messrs. Willis, Boyd and Bibb, the latter bill.

After a short time, Mr. Boyd and Mr. Willis, reported the said bills, which were read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with, and the same being engrossed, and the former being amended:

Resolved, That the said bills do pass, and that the title of the for-

mer be amended by inserting, "and Pulaski counties," after the word "Shelby," and that the title of the latter be as aforesaid.

Mr. Southgate from the committee appointed for that purpose, reported a bill to amend an act entitled, an act for the benefit of Benjamin Beall and Jannette H. Beall, late of Campbell county, approved, December 15th, 1823;

Which bill was read the first time, and ordered to be read a

second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to

the committee of courts of justice.

Mr. Wingate from the committee, to whom was referred, a bill from the House of Representatives, entitled, an act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river,

Reported the same with an amendment, which was concurred in, Ordered, That the said bill be read a third time, as amended. The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with;

Resolved, That the said bill, as amended, do pass, and that its

title be as aforesaid.

On the motion of Mr. Roberts--

The committee of education was discharged from the consideration of the memorial of Benjamin O. Peers.

And then the Senate adjourned.

THURSDAY, FEBRUARY 20, 1834.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had adopted the following resolution, viz:

House of Representatives, February 20, 1834.

Resolved, That a committee of five members of this House be appointed, to meet a committee to be appointed by the Senate, for the purpose of consulting, and recommending to the two Houses, the course it becomes their duty to pursue at the present time, upon the propriety of further legislation, at the present session, or upon the propriety of a recess or an adjournment sine die.

Att. R. S. TODD, Clk. H. R,

Whereupon, Messrs. Daviess, W. Owsley, Prince, Murrell and Harris, were appointed a committee on the part of the Senate, to meet the said committee on the part of the House of Representatives.

Mr. Conner from the committee of enrollments, reported that the committee had examined an enrolled bill entitled,

An act to improve the road from Carlisle, Flemingsburg, &c. to the mouth of Big Sandy river.

Mr. Prince from the same committee, reported that the committee had examined enrolled bills of the following titles, viz:

An act to provide for the payment of subscriptions and appropriations to objects of internal improvements.

An act to amend an act to incorporate the Rolling Fork Bridge Company, approved December 2, 1831, and to authorise the construction of a bridge across Big Barren river.

An act to turnpike the stage road from Lexington to Nashville,

where it passes over Muldrow's Hill.

An act for the benefit of William Samuels, late sheriff of Nelson county.

An act to prevent the sale of growing crops. An act for the benefit of Isabella Rowland.

An act for the benefit of constables in Scott county.

An act to erect an election precinct in Garrard county.

An act for the benefit of the sheriff of Muhlenburg county. An act for the benefit of William M. Brake, and others.

An act to amend the several laws establishing and regulating towns in this Commonwealth.

That they had found the same truly enrolled;

And they had been signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature.

After a short time, Messrs. Conner and Prince, reported that

the committee had performed that duty.

Mr. Sisk from the committee to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of Edward H. Earle, and others, and the amendment thereto reported from the committee of finance;

Reported the same without amendment.

The said amendment was disagreed to, and the said bill was ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill do pass, and that its title be as aforesaid.

Mr. Guthrie from the committee of courts of justice, to whom was referred, bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Henry Crist.

An act to incorporate the city of Covington.

An act to amend the act incorporating the city of Maysville.

An act to authorise the Trustees of the town of Frankfort to obtain loans of money,

Reported the same, with the opinion of the committee that they

ought to pass.

Ordered, That the said bills be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

Mr. Guthrie from the same committee to whom was referred, a bill to amend an act for the benefit of Benjamin Beall and Jannette H. Beall, late of Campbell county, approved December 15th, 1823,

Reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed,

Resolved, That the said bill do pass, and that its title be as

aforesaid.

Mr. Clark from the committee of internal improvements, to whom was referred, bills from the House of Representatives, of the following titles, viz:

1. An act to improve the navigation of Pond river, and for

other purposes.

2. An act to establish a road from Owenton to Warsaw, in Gal-

latin county.

3. An act to amend an act entitled, an act to provide for the improvement of roads in certain counties, approved January 30th, 1833,

Reported the same with amendments to the second bill, and

without amendment to the first and third.

The third bill was referred to the committee of finance.

The amendments to the second were concurred in; and the first and second were ordered to be read a third time.

The rule of the Senate, constitutional provision, and third read-

ing of the said bills having been dispensed with,

Resolved, That the said bills, the second as amended, do pass,

and that their titles be as aforesaid.

Mr. H. Owsley from the committee of religion, reported a bill for the benefit of Edward Leach:

Which was read the first time and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that its title be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed a bill entitled, an act to establish an election precinct at the Bethlehem meeting-house, at the forks of Mill creek, in Gallatin county.

The said bill was read the first time, and ordered to be read a

second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with,

Resolved, That the said bill do pass, and that its title be as

aforesaid.

Mr. Taylor from the committee of finance, to whom was referred, a bill from the House of Representatives, of the following title, viz:

An act for the benefit of James Stephenson, Reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with,

Resolved, That the said bill do pass, and that its title be as afore-

said.

Mr. Taylor from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act for the benefit of Augusta College,

Reported the same with the opinion of the committee that it

ought not to pass.

The question being taken on reading the same a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Taylor from the same committee to whom was referred, a bill from the House of Representatives, entitled, an act for building a bridge across Main Licking, at Claysville,

Reported the same without amendment.

Mr. Beaseman moved to amend the said bill by adding to the

fifth section, the following, viz:

That the said bridge shall be built below the alley which runs from William Jackson's house to the river, and the said William Jackson shall be paid all the damage which he may sustain in consequence of the abutments of the said bridge being on his land; and on his application, the county court of Harrison shall order a writ of ad quod damnum, to be issued to ascertain the said damages, which writ shall be executed in the same manner in which such writs are, in assessing damages for opening roads.

And by adding to the bill the following section, viz:

That the said bridge shall be commenced in two years from and after the passage of this act, or the subscription on the part of the state hereby authorised, shall not be made.

The question being taken on adopting the said amendments, it

was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Bease-

man and Griffith, were as follows, viz:

YEAS-Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown. Chinn, Clark, Coffey, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Gilbert, Grider, Griffith, Heady, James, McDonald, Mc-Henry, Murrell, H. Owsley, Parks, Roberts, Sisk, Taylor, Thornton, Willis, Wingate, Young-30.

NAYS-Messrs. Guthrie, Harris-2.

Ordered, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision and third reading of the said bill having been dispensed with,

Resolved, That the said bill as amended, do pass, and that its title

be as aforesaid.

Mr. Taylor from the same committee to whom was referred, bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Jesse Walker, and others.

An act to incorporate the Georgetown and Rail Road Turnpike

An act to authorise an additional subscription on the part of the Commonwealth, in the Stock of the Board of Internal Improvements for Franklin county.

An act to improve the state road leading from London to the

Tennessee state line.

Reported the same with amendments to each, which were concurred in.

Ordered, That the said bills, as amended, be read a third time. The rule of the Senate, constitutional provision, and third reading of the said bills, having been dispensed with,

Resolved, That the said bills, as amended, do pass, and that their

titles be as aforesaid.

Mr. Taylor from the same committee to whom was referred a bill from the House of Representatives, entitled, an act to appropriate a sum of money to improve the road from the city of Louisville, to the Tennessee state line, in a direction to Knoxville,

Reported the same with amendments, which were concurred in. The said bill was further amended, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

And the question being taken on the passage of the said bill, as amended, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Conner

and McHenry, were as follows, viz:

YEAS-Messis. Brown, Clark, Coffey, Gilbert, Guthrie, Harris, Heady, McHenry, Nuttall, H. Owsley, W. Owsley, Parks, Roberts, Southgate, Taylor, Thornton, Willis, Wingate, Young-19.

NAYS-Messrs. Boyd, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Murrell, Prince-8.

Mr. Taylor from the same committee, to whom was referred, a bill providing for the collection and payment of fines, penalties and for eitures, into the public treasury,

Reported the same with their opinion that it ought not to pass.

The question being taken on engrossing the said bill, and reading it a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Taylor from the same committee to whom was referred,

a bill to increase the salary of the Secretary of State,

Reported the same with their opinion that it ought not to pass. The blank therein was filled, and the said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Roberts from the committee of education to whom was referred, a resolution from the House of Representatives, directing the Secretary of State to furnish Mann Butler with certain public doc-

Reported the same with an amendment, which was concurred in:

and the said resolution was concurred in, as amended.

A message was received from the House of Representatives, announcing their disagreement to the amendments proposed by the Senate to bills which originated in that House, entitled, an act for the benefit of the Clerk of the Calloway county court;-

An act to amend the law establishing a state road from Lex-

ington to Ghent, on the Ohio river.

That they had concurred in the amendment proposed by the Senate, to a bill which originated in that House, entitled, an act to amend the charter of the city of Lexington.

That they had passed bills and a resolution of the following ti-

tles, viz:

An act to amend an act to authorise the sale of certain lands of Edmund H. Taylor, approved December 31, 1832.

A resolution directing the burning of Commonwealth's paper

quarterly.

An act for the benefit of the law department of Transylvania University.

An act providing for the sale and location of Seminary Lands. And that they had passed bills from the Senate of the following titles, viz:

An act to provide for repairing the state road leading from Pres-

tonsburg, by way of Pikeville, to the Virginia line.

An act to legalize certain proceedings of the Fayette county

An act to incorporate the Mechanics' Fire Engine and Hose Company of Louisville.

An act to repeal the law making it the duty of the Ferry keeper at the mouth of Kentucky river, in Gallatin county, to ferry all qualified voters, at the elections, free of charge.

An act further to define the powers of the Trustees of the town

of Maxville, in Washington county.

An act to establish an election precinct in Shelby county.

An act for the benefit of Isaac Cunningham and Matthew Thompson, the late and present Sheriffs of Clarke county, and concerning the collection of the revenue tax and county levies in said county.

An act to amend an act, entitled, an act to incorporate the Trus

tees of the Augusta College, approved, December 7, 1822.

An act to appoint an additional justice of the peace in the county of Gallatin, and a constable in Simpson county;

With amendments to the latter bill.

And that they had disagreed to a bill from the Senate, entitled, an act providing a more speedy remedy for recovering the possession of real and leasehold estates sold under execution.

On the motion of Mr. Young-

Leave was given to bring in a bill for the benefit of the devisees of Thomas J. Owings, deceased, and Messrs. Young, Clark and Thornton, were appointed a committee to prepare and bring in the same.

Mr. Clark from the joint committee appointed to examine the

Register's office, made the following report, viz:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the Land Office, have

performed the duty required, and report as follows, viz:

That they find transcribed from the Virginia Land Office, surveys in bundles, numbered, from one to two hundred and seventythree, neatly labelled, with an alphabet. Also, fifteen bundles containing the caveated and defective surveys, upon which grants have issued; four bundles of caveated surveys, two bundles of defective surveys, and one bundle of surveys mislaid from their proper places; all neatly labelled and recorded in eleven volumes well bound, with a complete alphabet. Two bundles of Warrants located and mislaid, one bundle copies of Wills, sixteen volumes, the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet. The record of Military Warrants from the Virginia Land Office, in two volumes, with alphabets, in good order. A list of Virginia Treasury Warrants, in two volumes. The record of Preemption Warrants, in one volume, and one volume containing the record of Warrants under the proclamation of 1763, with alphabets, in good order. Commissioners' Certificates, granted in 1779 & '80, in three volumes, with alphabets, in good order. The Sale Books of non-residents' lands, for the years 1801, '2 & '4, have a new alphabet, (though the books are somewhat worn.) The books in which the sales of 1805, '6, '7, '8, '9, '10, '11, '12, '13, '14, '15, '16, '17, '18, '19 & '20, are recorded, they find in good order, with alphabets. Two volumes, in which surveys have been registered since 1792, in good order: the said surveys are tied up in bundles, numbered from one to one hundred and forty-five, neatly labelled, with an alphabet. The record of these surveys, together with the record of some grants, in eleven volumes, with an alphabet, in good order. The grants issued on the aforesaid surveys are in nineteen volumes, with an alphabet, in good order. The surveys on headright claims, are neatly registered in three volumes, with two alphabets, (one of which is much worn.) The headright plats and certificates of survey are filed in bundles, numbered from one to three hundred and fourteen, neatly labelled and recorded in seventeen volumes, with two alphabets, in good order. The grants issued thereon are recorded in twenty-eight volumes well bound, with two alphabets, in good order. Land Warrants issued under the act of 1800, the surveys and grants on the same, and also, the Tellico surveys and grants are in three volumes-they are registered in one volume; the original surveys are tied up in thirteen bundles, neatly labelled, -all in good order. Nine bundles of certificates, on which warrants have issued, seven bundles of certificates of sale of non-residents' lands, on which deeds have been made, one hundred Attorney General's opinions to the Register, three bundles county court certificates, seven bundles of caveats, since 1792, four bundles caveated surveys since 1792, two bundles of surveys not registered for want of fees, since 1792, one bundle of defective surveys, since 1792, forty-three bundles of vouchers on which the later Kentucky land warrants have issued, all neatly labelled and in good order. One volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets. Anderson and Croghan's Military Entry Books, in two volumes, with alphabets. The transcripts of Lincoln entries, in two volumes, with an alphabet, in good order. Mays' Entries, (so called,) transcribed in five volumes, with two alphabets, in good order. One volume of Green's Deputy Register of surveys made previous to June 1792. One volume of Relinquishments in tolerabe order. A list of Kentucky Land Warrants, issued under the act of 1814 and subsequent acts, in three volumes, and the record of said Warrants, in ten volumes. The original surveys made on said warrants are fied up in three hundred and sixty-one bundles, neatly labelled and recorded in sixteen volumes, well bound: the grants issued thereon, recorded in twenty-eight volumes, with two alphabets, in good order. The said surveys are neatly registered in four volumes, with three alphabets in good order. Three volumes in which caveats are recorded, with alphabets. Eleven books of original entries from the county of Fayette, neatly transcribed in four volumes, well bound, with an alphabet, in good order, agreeably to an act of Assembly, approved 5th January, 1824. One book of original entries from the county of Mercer, one from Bourbon and one from Nelson, have been returned by the surveyors of said counties, to the Register's Office, agreeably to an act of Assembly, approved February 12th, 1820, all of which books of Entries are in order fit to be used. The surveyor of Jefferson county has failed to return the original entries of that county to the Register's office, as your committee have been informed by the Register. One volume of Military Grants for land west of the Tennessee river, one volume in which the surveys of that land are recorded, and one volume in which they are registered: the surveys are tied up in six bundles, each volume having a separate alphabet. Three volumes in which certificates of sales of lands west of the Tennessee river are recorded: five volumes of grants issued thereon, with alphabets, in good order. One volume of Henderson's field notes; one volume in which the surveys of land south of Walker's line are recorded; three volumes of grants; one volume in which the same are registered, with alphabets, in good order. The surveys are tied up in twenty-four bundles, neatly labelled. One volume of the list of Warrants south of Walker's line; one volume in which these warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume of the record of grants on the same, with alphabets, in good order, and eleven bundles of certificates of sale of lands west of the Tennessee river, on which grants have issued.

Your committee deem it an act of justice to say, that they found the office, its furniture, books and papers, in excellent order, and that their examination was greatly facilitated, both by the prompt answers of the Register and his clerks, to all the questions propounded to them, and the fact that all the books and papers were in their

proper places.

Your committee are satisfied that the labors of the office have been greatly increased since the reduction of the price of warrants; and particularly since the practice has been adopted of dividing large appropriations of land into numerous small warrants and certificates of survey, upon which the state price has been remitted,

and no fees are chargeable.

It has heretofore been reported to the Legislature, that the Register expended eight hundred dollars of his salary annually, for clerks' hire, on account of the increased duties of his station.—Your committee are informed that this is the fact, and incline to the opinion that it would be but an act of justice to that officer, that in all cases in which appropriations of land are made, on which the state price and fees are remitted, that some allowance be made to the Register for his increased labor. But as this would be uncertain in its amount, and something complex, your committee would recommend a definite compensation for the increased labors

of the office, to enable the Register to perform his duties to the public without violation of his obligations to himself and his family, and therefore propose the following resolution.

Resolved, That five hundred dollars be added to the present salary of the Register, to enable him the better to perform the re-

quisitions of his office and pay clerk hire.

JAMES CLARK,
A. S. BRAMLETTE,
WM. T. WILLIS,
J. J. MARSHALL,
GARRETT DAVIS,
C. A. WICKLIFFE,
Representatives.

And then the Senate adjourned.

FRIDAY; FEBRUARY 21, 1834.

The Senate assembled.

A message was received from the House of Representatives, announcing that they had disagreed to the amendments proposed by the Senate to a bill from that House, entitled, an act to authorise an additional subscription, on the part of the Commonwealth, in the stock of the Board of Internal Improvements for Franklin county.

Mr. Daviess from the joint committee appointed yesterday, made

the following report, viz:

The joint committee appointed under the resolution of the 20th inst. in order to inquire into the expediency of further Legislative action at the present session, report, that it becomes their painful duty to announce to the two branches of the Legislature, the death of his Excellency John Breathitt, Governor of Kentucky, which took place on this day, at 9 o'clock, A. M. and we recommend the adoption of the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky, That in common with our fellow-citizens, we deplore the loss which our state has sustained by the death of our Chief Magistrate, and as a testimony of the respect due to his memory and worth, the two Houses of the Legislature, will on to-morrow

at 8 o'clock, A. M. attend in procession his funeral.

Resolved, That the members of the Legislature, will wear crape upon the left arm, for three months, as a testimony of their respect and regard, for the public and private character of the deceased, and that it be recommended to all the officers of this State, to do the same.

Resolved, That a joint committee of five from the Senate, and ten from the House of Representatives, be appointed to superintend the funeral arrangements, and the procession of the late Governor, under the first resolutions.

Which report was read, and unanimously concurred in .-

Whereupon. Messrs. Daviess, Southgate, Bibb, Wingate and Willis, were appointed a committee on the part of the Senate, pursuant to the third resolution.

Ordered, That Mr. Daviess inform the House of Representatives

thereof.

A message was received from the House of Representatives, by Mr. Wickliffe, announcing that they had concurred in the said report of the joint committee, and had appointed a committee on their part, pursuant to the third resolution.

On the motion of Mr. Daviess-

The Senate then adjourned until to-morrow morning, 8 o'clock.

SATURDAY, FEBRUARY 22, 1834.

The Senate assembled.

The Speaker being absent-

Mr. Willis moved the following resolutions, viz:

Resolved, That the Senate now choose a Speaker for the occasion, to fill the vacancy in that office, produced by the Hon. Jas. T. Morehead's having become acting Governor, by the demise of his Excellency, Governor Breathitt, late Governor of Kentucky.

Resolved, That the Senate, in the election of Speaker, will proceed to vote without nominations, until some person voted for, shall

have obtained a majority of all the votes given.

Mr. Clark moved to amend the first resolution by substituting

therefor the following, viz:

James T. Morehead, Esq. having become the acting Governor, by the demise of his Excellency, John Breathitt,

Resolved, That the Senate choose a Speaker for the occasion.

The question being taken on adopting the said amendment, it

was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willis and

Daviess, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Gholson, Gilbert, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Southgate, Taylor, Thornton—18.

NAYS.—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Guthrie, Harris, Heady, James, McDonald, McHenry, Nuttall, Parks, Sisk, Willis, Wingate, Young—17.

The said resolutions, as amended, were then adopted.

The Senate proceeded to vote for Speaker.

The vote stood thus:

For Mr. James Guthrie—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Heady, James, McDonald, McHenry, Nuttall, Parks, Sisk, Willis, Wingate and Young—16.

For Mr. James Clark—Messrs. Bibb, Boyd, Brown, Chinn, Conner, Cunningham, Gholson, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Southgate, Taylor and Thornton—15.

For Mr. Samuel Daviess-Messrs. Beaseman, Guthrie and Har-

ris--3.

No one having obtained a majority of all the votes given—
The Senate proceeded to vote a second time;—and the votes

stood thus:

For Mr. James Guthrie—Messrs. Beaseman, Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Harris, Heady, James, McDonald, McHenry, Nuttall, Parks, Sisk, Willis, Wingate and Young—18.

For Mr. James Clark-Messrs. Bibb, Boyd, Brown, Chinn, Conner, Cunningham, Gholson, Griffith, Murrell, H. Owsley, W.

Owsley, Roberts, Southgate, Taylor and Thornton-15.

For Mr. Daviess-Mr. Guthrie-1.

Mr. James Guthrie having obtained a majority of all the votes given, was declared duly elected Speaker of the Senate, for the occasion:

He was conducted to the chair by Messrs. Willis and Wingate, from whence he made acknowledgments for the honor conferred.

Ordered, That Mr. Daviess inform the House of Representatives

of Mr. Guthrie's election.

The resolution from the House of Representatives, fixing a day for the adjournment of the General Assembly, was taken up, amended, and concurred in.

After a short time, a message was received from the House of Representatives, announcing their concurrence in the said amendment, and that they had adopted the following resolution, viz:

Resolved by the General Assembly, That a committee of three from the Senate and five from the House of Representatives, be appointed to wait upon James T. Morehead, Lieutenant Governor, and conduct him to the Representative Hall, for the purpose of having administered to him the oath of office, as Governor of this State, in the presence of the two Houses of the Legislature.

The said resolution was twice read and concurred in, and Messrs. W. Owsley, Clark and Daviess, were appointed a committee pur-

suant thereto.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

Mr. Chinn from the joint committee, appointed to examine the Treasurer's Office, made the following report, viz:

Committee of

The joint committee of the Senate and House of Representatives, have discharged the duties to them assigned, of examining the Treasurer's Office. They have examined each voucher, with its entry, up to the 10th day of October, 1833, and having found them all correctly entered, they caused the vouchers for the payment of money to be destroyed.

The statement heretofore reported by the Treasurer, exhibits the true situation of the Treasury. All of which is respectfully

submitted.

R. H. CHINN, Commit-H. P. MURRELI., STILLWELL HEADY, Senate.

PRICE NUTTALL,
SAMUEL SEATON, tee of the

JOB STEVENSON, A. JONAS, the House of E. CROW, Representatives. THOS. J. HELM,

Mr. Clark was added to the committee of courts of justice.

Mr. Daviess from the committee to whom was referred a bill from the House of Representatives, entitled, an act concerning free persons of color, in this Commonwealth,

Reported the same with amendments, which were concurred in. Ordered, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading thereof having been dispensed with,

Resolved, That the said bill as amended, do pass, and that its title

be as aforesaid.

Mr. Roberts from the committee to whom was referred, a bill concerning the counties of Hardin and Meade,

Reported the same without amendment.

Ordered, That the said bill be engrossed, and read a third time. The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that its title be as

aforesaid.

Mr. Harris from the committee of internal improvements, to whom was referred, a bill from the House of Representatives, entitled,

An act to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup,

Reported the same without amendment.

Ordered, That the said bill be read a third time.

The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with;

Resolved, That the said bill do pass, and that its title be as aforesaid.

Mr. Clark from the committee appointed for that purpose, reported a bill for the benefit of the heirs of Thomas J. Owings, deceased.

Which was read the first time, and ordered to be read a second

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that its title be as

Ordered, That Messrs. Griffith and Murrell be added to the com-

mittee of enrolments.

Mr. W. Owsley from the committee of courts of justice, to whom was referred, a bill from the House of Representatives, entitled, an act to amend the penal laws of this Commonwealth, and the better to secure and guard the right of suffrage and freedom of elections therein,

Reported the same without amendment.

The said bill is as follows, viz:

- § 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That any Sheriff, Deputy Sheriff, or other officer, whose duty it shall be by law to attend at any time and place prescribed by law, for the faithful comparison of the polls given in at any election held within this Commonwealth, under and by authority of law, for the election by the people, of a member of Congress, Governor, or Lieutenant Governor of the state, members of either branch of the state Legislature, Electors of President and Vice President, or for any other office or offices, whose election is prescribed or authorised by law, shall wilfully and fraudulently fail to attend the time and place fixed by law for the meeting of the sheriffs for such purposes, with intent to defeat such election, and to prevent the computation of the votes given by the people in his county, town, city, precinct or district; or if he shall, with like intent and purpose, fraudulently withold his poll books, and refuse to permit a count, and comparison of the same, according to the requirements of the law. [shall be adjudged guilty of felony, and upon conviction thereof, before any court having jurisdiction of the offence, shall undergo a confinement at hard labor in the penitentiary of this state, for a term not less than two nor exceeding six years.] and moreover, shall forever be disqualified from voting at any election within this Commonwealth.
 - § 2. Be it further enact d, That if any person shall counsel, advise, aid or assist the sheriff, deputy sheriff, or other officer, to commit either of the offences declared and prescribed in the first section of this act, he shall in like manner [be adjudged guilty of a felony, and upon conviction thereof before any court having jurisdiction

of the same, shall suffer and undergo the same punishment and disability as are prescribed in the first section of this act.]

§ 3. Be it further enacted, That it shall not be lawful for the judges, clerks or sheriffs, whose duty it shall be to hold any election by the people of this Commonwealth for any officer thereof, or for a member of Congress to take or receive the vote of any person, at any other time or place than that fixed by the Constitution and laws of this state, and the judges, clerks and sheriffs who shall be guilty of violating the provisions of this act, shall be judged guilty of misdemeanor, and shall severally pay for each offence the sum of one hundred dollars, to be recovered by presentment of a grand jury in the circuit court of the county where the offence shall have been committed.

§ 4. Beit further enacted, That when, for any good cause, in the opinion of the officers appointed to hold such election, the same cannot be holden at the house appointed by law, or the owner of such house will not permit it to be done, the judges and sheriff shall publicly proclaim the same on the morning of the first day of such election, and to proceed to the place nearest to that fixed by law, and most convenient, and there hold said election; and it shall be the duty of the judges and sheriff, to proclaim on the day and at the time aforesaid, the place to which they adjourn to hold said election.

Mr. Willis moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Clark and Wingate, were as follows, viz:

YEAS-Messrs. Beaseman, Coffey, Daviess, Dejarnatt, Harris,

Heady, McHenry, Nuttall, Parks, Sisk, Willis-10.

NAYS—Messrs. Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Conner, Cunningham, Dougherty, Gholson, Gilbert, Griffith, James, McDonald, Murrell, H. Owsley, W. Owsley, Roberts, Southgate, Taylor, Thornton, Wingate, Young—23.

Mr. Clark moved the previous question,

And the question being taken, "shall the main question be now put," it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Boyd and

Willis, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Gholson, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Taylor, Thornton—16.

NAYS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Harris, Heady, James, McDonald, McHenry, Nuttall, Parks, Sisk, Southgate, Willis, Wingate, Young—18.

Mr. James moved to amend the said bill in the first section by striking out so much thereof as renders the offence therein provided

against a felony, punishable by confinement in the penitentiary, which is included in brackets, and to insert in lieu thereof, "shall be subject to a penalty of five hundred dollars, recoverable by indictment in the name of the Commonwealth, before any court having jurisdiction thereof,"

And to amend the bill in the second section, in like manner. And to amend the bill in the third section, by inserting after the

word "state," printed in italics, as follows:-

"And it shall not be lawful to permit any person or persons to vote at any election in the absence of either of the judges, or the clerk, or sheriff. And it shall not be lawful for the judges, clerk or sheriff, after any person shall have been permitted to vote, and shall have departed, to erase or strike out the name of such voter from the poll book."

Mr. Conner moved the previous question.

Mr. Harris objected to the motion as being out of order. The Speaker decided that the motion was in order.

Mr. Harris appealed from the decision of the chair.

The question being taken, "is the decision of the chair correct?"

it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daviess

and McHenry, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Dejarnatt, Dougherty, Gholson, Gilbert, Griffith, McDonald, Murrell, H. Owsley, W. Owsley, Parks, Roberts, Southgate, Taylor, Thornton, Wingate—25.

NAYS—Messrs. Daviess, Harris, Heady, James, McHenry,

Sisk, Willis, Young--8.

The question was taken, "shall the main question be now put," and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Conner

and Griffith, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Bramlette, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Dejarnatt, Gholson, Gilbert, Griffith, McDonald, Murrell, H. Owsley, W. Owsley, Roberts, Taylor, Thornton—21.

NAYS-Messrs. Daviess, Dougherty, Harris, Heady. James, McHenry, Nuttall, Parks, Sisk, Southgate, Willis, Wingate,

Young--13.

The question was then taken on reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Willis and

Murrell, were as follows, viz:

YEAS—Messrs. Beaseman, Bibb, Boyd, Brown, Chinn, Clark, Coffey, Conner, Cunningham, Gholson, Gilbert, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Taylor, Thornton—18.

NAYS—Messrs. Bramlette, Daviess, Dejarnatt, Dougherty, Harris, Heady, James, McDonald, McHenry, Nuttall, Parks, Sisk, Southgate, Willis, Wingate, Young—16.

On the motion of Mr. Brown-

Resolved, That the public printer be directed to print three thousand copies of the titles of the acts passed during the present session, and a summary of the provisions of each act, for the use of the Senate.

A resolution, from the House of Representatives, for burning the paper of the Bank of the Commonwealth quarterly, was twice read and concurred in.

A message was received from the House of Representatives, announcing their disagreement to the amendments proposed by the Senate, to bills which originated in that House, of the following titles, viz:

An act to improve the state road leading from London to the Tennessee state line.

An act to appropriate a sum of money to improve the road from the City of Louisville to the Tennessee State line, in the direction to Knoxville.

And had concurred in the amendment proposed by the Senate to a resolution which originated in that House, directing the Secretary of State to furnish Mann Butler with certain documents.

That they had passed bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Edward Leach.

An act to incorporate the Theological Seminary of the Protestant Episcopal church in the state of Kentucky.

With amendments to the latter bill.

An act to amend the charter of the Maysville, Washington, Paris and Lexington Turnpike road Company, and for other purposes.

An act to establish an election precinct in Hart county. An act concerning the counties of Hardin and Meade.

An act amendatory to the several acts relating to the town of Newport in Campbell county.

That they had passed bills which originated in that House, of the following titles, viz:

An act to provide for the redemption of land forfeited to the state for the non-payment of taxes.

An act for the benefit of Jane Bowling. An act for the benefit of Nancy Henderson.

An act to repeal in part, an act entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes, passed during the present session.

An act to provide for the collection of the funds, set apart for objects of internal improvement.

An act for the benefit of Thomas B. Megowan, Jailor of Fayette

county.

Mr. McDonald from the committee of enrolments, reported that the committee had examined enrolled bills of the following titles, viz:

An act to prevent the burning of the woods in certain counties. An act to repeal the 4th section of an act entitled, an act further to regulate the Wilderness and Turnpike road, approved the 11th January, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

An act for the benefit of John Holt, Sr.

An act to declare Rockcastle creek a navigable stream.

An act to change the time of holding the Laurel Circuit Court, and for other purposes.

An act to legalize the proceedings of the county court of Liv-

ingston at their February term, 1834. An act authorising the appointment of clerks in vacation.

An act to improve the navigation of Nolin.

An act for the benefit of the Mechanics in the towns of Covington and Newport.

An act for the benefit of Celia E. Seth and Jane Johnson, in-

fants.

An act to repeal an act entitled, an act for the benefit of the Boone Academy, approved, January 2d, 1833.

An act to allow an additional justice of the peace and constable to Floyd county, and an additional justice of the peace to Pike county. An act supplementary to an act entitled, an act to establish the

county of Marion.

An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington.

Mr. Conner from the same committee, reported that the committee had examined enrolled bills of the following tittles, viz:

An act to authorise the Trustees of the town of Frankfort to obtain loans of money.

An act to establish election precincts at the Bethlehem meetinghouse, at the forks of Mill creek, in Gallatin county.

An act to incorporate the Fireman's Insurance Company of Louisville.

And had found the same truly enrolled;

That the said bills had been signed by the Speaker of the House

of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to he presented to the Lieutenant and acting Governor for his approbation and sig-

After a short time, Messrs. McDonald and Conner reported

that the committee had performed that duty.

Mr. Murrell from the committee of enrolments, reported that the committee had examined enrolled bills and a resolution of the following titles, viz:

An act to alter the time of holding the Meade circuit court,

and for other purposes.

An act for the benefit of Isabella and William Steele.

An act to improve the navigation of Big Barren and Blood rivers.

An act to amend the law prescribing penalties for obstructing navigation.

An act for building a bridge across Main Licking at Claysville.

An act to establish a road from Owenton to Warsaw, in Gallatin county.

An act for the benefit of Jesse Walker.

A resolution directing the Secretary of State to furnish Mann Butler with copies of certain documents.

An act for the benefit of Edmund H. Earle, and others.

An act for the benefit of James Stephenson.

An act to improve the navigation of Pond river, and for other purposes.

An act for the benefit of Jesse Walker, and others.

An act to amend the act incorporating the city of Maysville.

An act for the benefit of Henry Crist.

An act to amend the charter of the city of Lexington. An act to amend the law concerning tavern keepers.

And had found the same truly enrolled;

That the said bills and resolution had been signed by the Speak-

er of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented to the Lieutenant and acting Governor for his approbation and signature.

After a short time, Mr. Murrell reported that the committee

had performed that duty.

On the motion of Mr. Wingate-

The committee of religion was discharged from the further con-

sideration of all the business before them.

The senate receded from the amendments proposed by them, to a bill from the House of Representative, entitled, an act for the benefit of the Clerk of the Calloway county court.

Mr. Harris from the committee to whom was referred, a bill from the House of Representatives, entitled, an act to establish the town

of Portland, and for other purposes,

Reported the same with an amendment, which was concurred in: Ordered, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading thereof, having been dispensed with,

. Resolved, That the said bill, as amended, do pass, and that its title be as aforesaid.

Mr. Southgate having obtained leave, reported a bill for the benefit of the heirs and legal representatives of Samuel J. Beall, deceased.

Mr. Bibb having obtained leave, reported a bill authorising the clerk of the county court of Logan to record certain deeds.

The said bills were each read the first time, and ordered to be

read a second time.

The rule of the Senate, constitutional provision, and second and third readings thereof, having been dispensed with, and the same being engrossed:

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

The amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act to incorporate the Theological Seminary of the Protestant Episcopal church, in the state of Kentucky,

Were twice read and concurred in.

On the motion of Mr. McHenry-

Resolved, That the Senate recede from the amendments proposed by them to a bill from the House of Representatives, entitled, an act to appropriate a sum of money to improve the road from the city of Louisville, to the Tennessee State line, in the direction to Knoxville.

A bill from the House of Representaties, entitled, an act to provide for the appointment of commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act approved February 2d, 1833, was amended, and ordered to be read a third time.

The rule of the Senate, constitutional provision, and third read-

ing thereof having been dispensed with,

Resolved, That the said bill as amended, do pass, and that the title be amended by inserting "Henderson" after "Butler."

At 15 minutes past 5 o'clock, P. M. Mr. Thornton moved that the Senate do now adjourn.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Heady and Willis, were as follows, viz:

YEAS—Messrs. Boyd, Bramlette, Brown, Conner, Dejarnatt, Gholson, Griffith, James, Murrell, Nuttall, W. Owsley, Koberts, Southgate, Thornton, Young—15.

NAYS.—Messrs. Clark, Coffey, Daviess, Gilbert, Harris, Heady, McHenry, H. Owsley, Sisk, Taylor, Willis, Wingate—12.

MONDAY, FEBRUARY 24, 1834.

The Senate assembled.

Mr. Davisss from the committee of propositions and grievances, to whom was referred, a bill from the House of Representatives, entitled, an act to change the time of the annual meeting of the General Assembly of the Commonwealth of Kentucky,

Reported the same with their opinion that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Heady having obtained leave, reported a bill to authorise the insertion of orders in the Kentucky Register, which was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second and third readings of the said bill, having been dispensed with, and the same being engrossed:

Resolved, That the said bill do pass, and that its title be as

aforesaid.

A message was received from the House of Representatives, announcing that they has passed bills from the Senate, of the following titles, viz:

An act for the benefit of the Spencer and Laurel county Seminaries.

An act to improve the South Fork of the Kentucky river from its junction with the North Fork to Goose Creek salt works.

An act providing for the erection of a bridge across the Beech

Fork, in Washington county.

An act to authorise the insertion of orders in the Kentucky Register.

An act to amend the act for the benefit of Benjamin Beall and Jannette H. Beall, late of Campbell county, approved, December 15, 1823.

An act authorising the county court of Logan to record certain deeds.

An act allowing additional constables to Shelby and Pulaski counties.

An act to increase the pay for travelling of the members of the general assembly.

An act declaring the Bayou de Chien, in Hickman county, a navigable stream from the town of Moscow to Caldwell's mill.

And that they had passed bills from the Senate of the following titles, with amendments to each, viz:

An act to amend the law regulating the manumission of slaves.

An act to amend the law authorising the change of venue in civil cases.

An act prescribing the duty of clerks in certain cases.

An act to repeal the law authorising the people of Rockcastle and Laurel Counties, to pass the Turnpike and Wilderness road

without paying toll.

Resolved, That the Senate insist on their first, and recede from their second amendment to a bill from the House of Representatives, entitled an act to authorise an additional subscription, on the part of the Commonwealth, in the Stock of the Board of Internal Improvements for Franklin county.

A message was received from the House of Representatives, announcing that they had receded from their disagreement to the

said first amendment;

That they had concurred in the amendments proposed by the Senate, to bills from that House of the following titles, viz:

An act to provide for the appointment of commissioners for the counties of Butler and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act, approved February 2d, 1833.

An act to establish the town of Portland, and for other pur-

noses.

An act concerning free persons of color in this Commonwealth.

An act to regulate the tolls on the Sandy road.

And that they had passed bills of the following titles, viz:

An act for the benefit of the heirs of William P. Gibbs as

An act for the benefit of the heirs of William P. Gibbs and Richard Jones.

An act to appropriate money.

An act for the benefit of Knox county.

An act granting additional powers to the President and Directors of the Bank of Kentucky, and for the purpose of closing the concerns of said Bank.

An act for the the benefit of Jeffersontown in Jefferson county,

and for other purposes.

An act to incorporate a Turnpike Road Company from Frank-

fort to Paris.

And that they had received official information, that the Lieutenant and acting Governor did, on this day, approve and sign enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to compel Sheriffs to return certificates of the election

of members of the Senate and House of Representatives. An act for the benefit of James Storm and John Cox.

An act for the benefit of Elizabeth Dick.

An act to allow the county of Green two additional constables, and for other purposes.

An act to change the name of Wesley Blake.

An act to provide for the improvement of the road from Franklin county to the Crab Orchard, in Lincoln county. An act supplementary to an act entitled, an act to appropriate a sum of money for the purpose of improving the navigation of Cumberland river at Smith's Shoals, and the Big South Fork of said river, up to the Coal Banks, approved February 2d, 1833.

An act for the benefit of Livingston, Caldwell and Todd coun-

ties.

An act to incorporate the Danville, Lancaster and Nicholasville

turnpike road company,

An act to incorporate a company to construct a Turnpike road from Covington, through Williamstown and Georgetown, to Lexington, in Fayette county.

An act allowing an appropriation of land warrants, to assist in the completion of a bridge across the mouth of Straight creek in

Harlan county, and for other purposes.

An act to authorise the County Court of Hancock, to sell a part of the public ground in Hawesville, and for other purposes.

An act to authorise the depositions of Judges, to be taken in

common law cases.

An act to open and improve the road from Leesburg, in Harrison county, to intersect the Georgetown and Cincinnati Turnpike road.

An act for the benefit of John H. Slaughter. An act for the benefit of William Shackleford.

An act allowing an additional constable to the county of Campbell, and for other purposes.

An act to erect an election precinct in Livingston county.

An act to establish and to regulate election precincts in Clarke county, and to enlarge and regulate the Hardwick's creek precinct in Estill county, and for other purposes.

An act for the benefit of the heirs of Samuel Monson.

An act to regulate the terms of certain Circuit Courts, and for

other purposes.

An act to improve and open the road from the Rocky spring, in Harrison county, by the way of Colemansville, to Williamstown, in Grant county.

An act to improve the navigation of Muddy river.

An act appropriating an additional sum of money for the erection of a bridge across Rockcastle river, on the Wilderness road.

An act to amend in part and repeal in part, an act to incorporate a company to establish a Turnpike road from the city of Louisville, by the mouth of Salt river, Elizabethtown, Munfordsville and Bowlinggreen, to the state line in a direction to Nashville.

An act to improve the navigation of Trade water river.

An act to appropriate four hundred dollars, to aid in improving the state road, leading from Owenborough to Bowlinggreen.

An act to add a part of Bracken county, to the county of Harrison.

An act to reduce the number of justices of the peace in Clarke county, and to authorise an additional constable's district therein.

An act to abolish the February chancery term of the Montgom-

ery Circuit Court.

An act to incorporate the Green river Turnpike road company.

An act to enlarge the boundaries of Georgetown, and for other purposes.

An act to improve the navigation of Big Sandy river.

An act authorising the building of an arsenal for the security and preservation of the public arms.

An act to allow one additional justice of the peace to Bullitt

county.

An act to incorporate the Shepherdsville and Elizabethtown

Turnpike Road Company.

An act to amend an act, entitled, an act to establish a state road from Berry's ferry on the Ohio river, to Salem, and from Madisonville to Salem, approved Jan. 22, 1830.

An act to change the place of voting at Christiansburg, Shelby

county.

An act to amend and reduce into one the several acts concerning private passways in certain counties.

An act for the benefit of Amelia S. Barnes. An act for the benefit of William B. Cook. An act for the benefit of Mary Ann Forrester. An act for the benefit of James Buchannan.

An act to incorporate the Winchester and Lexington Turnpike company.

An act for the benefit of the sheriff of Muhlenburg county. An act for the benefit of William M. Brake, and others.

An act for the benefit of Isabella Rowland.

An act for the benefit of the constables of Scott county.

An act to amend the several laws establishing and regulating towns in this Commonwealth.

An act to prevent the sale of growing crops.

An act to establish an election precinct in Garrard county.

An act to allow the county of Mason an additional justice of the peace, and for other purposes.

An act authorising the appointment of clerks in vacation.

An act to prevent the burning of the woods in certain counties.

An act changing the time of holding the Laurel Circuit Court, and for other purposes.

An act to legalize the proceedings of the County Court of Livingston, at their February term, 1834.

An act for the benefit of John Holt, Sen.

An act to declare Rockcastle creek, a navigable stream.

An act to repeal the 4th section of an act entitled, an act further to regulate the Wilderness and Turnpike Road, approved the 11th

of January, 1830, and to provide for the appointment of overseers on said road, and for other purposes.

An act to repeal an act entitled, an act for the benefit of the Boone Academy, approved January 2d, 1833.

An act for the benefit of Elizabeth Godley.

An act for the benefit of Celia E. Seth and Jane Johnson, infants.

An act for the benefit of the mechanics of the towns of Covington and Newport.

An act to improve the navigation of Nolin.

An act to authorise the Trustees of the town of Frankfort to obtain loans of money.

An act to establish an election precinct at the Bethlehem meetinghouse, at the forks of Mill creek, in Gallatin county.

An act to incorporate the Firemans Insurance Company of

A bill from the House of Representatives, entitled, an act to appropriate money,

Was read the first time, and ordered to be read a second time.

The rule of the Senate, constitutional provision, and second reading of the said bill having been dispensed with, it was referred to the committee of the whole House, on the state of the Commonwealth:

Whereupon, the Senate resolved itself into a committee of the whole House, on the state of the Commonwealth,—Mr. Brown in the Chair.

After some time spent in committee, the Speaker resumed the chair, when Mr. Brown reported that the committee had, according to order, had under consideration the said bill to appropriate money, and had gone through the same, and made sundry amendments thereto, which he handed in at the clerk's table.

The said amendments were twice read and concurred in.

Ordered, That the said bill be read a third time, as amended.

The rule of the Senate, constitutional provision, and third reading of the said bill having been dispensed with,

Resolved, That the said bill, as amended, do pass, and its title be as aforseaid.

After a short time, a message was received from the House of Representatives announcing their concurrence in the said amendments, with amendments.

The said amendments were twice read and concurred in, with an amendment.

A message was received from the House of Representatives announcing their concurrence in the said amendment.

Mr. W. Owsley, from the committee of courts of justice, made the following report, viz:

The committee of courts of justice, to whom was referred, nominations by the Governor, of certain persons, to be commissioned Sheriff, Coroner, and Justices of the Peace, for the county of Marion, have had the same under consideration, and come to the following resolution thereon:

Resolved, That the Senate do not advise and consent to the

appointment of the nominees.

Mr. Clark moved to amend the said resolution by substituting therefor, the following, viz:

Resolved, That the Lieutenant and acting Governor be requested

to withdraw the said nominations.

The question being taken on adopting the said amendment, it was decided in the affirmative.

The Senate being equally divided, the Speaker voted in the affirmative.

The yeas and nays being required thereon, by Messrs. Mc-Donald and Willis, were as follows, viz:

YEAS—Messis. Bibb, Boyd, Brown, Chinn, Clark, Conner, Cunningham, Gholson, Griffith, McDonald, Murrell, W. Owsley, Southgate, Taylor, Thornton—15.

NAYS—Messrs. Beaseman, Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Harris, Heady, McHenry, Parks, Roberts, Sisk,

Willis, Wingate, Young—15.

The said report was concurred in.

Ordered, That Mr. Clark inform the Lieutenant and acting Governor thereof.

A message in writing was received from the Lieutenant and acting Governor, by Mr. Sanders, Secretary of State:—

The rule of the senate having been dispensed with, it was taken up and read as follows, viz:

GENTLEMEN OF THE SENATE:

In pursuance to a resolution of your body, of this day, I ask leave of the Senate to withdraw the nominations made on the 10th instant, by his Excelleny the late Governor, nominating certain persons to fill the offices of Justices of the Peace, Sheriff and Coroner of the county of Marion.

J. T. MOREHEAD.

February 24, 1834.

Leave was accordingly given.

A message in writing was received from the Lieutenant and acting Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up, and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, the following named officers, to be commissioned to fill the offices respectively annexed to their names.

A. M. McLean, to be Lieutenant Colonel of the 91st Regiment, in the place of John Sanders, resigned.

Henry Williamson, to be Major of the 91st Regiment, in the

place of A. M. McLean, if promoted.

John Berry, to be Brigadier General of the 15th Brigade, in the place of William M. Sudduth, resigned.

Peter Dupaw, to be Colonel of the 6th Regiment, in the place

of Gabriel Lackey, removed.

Alexander Helm, to be Lieutenant Colonel of the 6th Regiment, in the place of Peter Dupaw, if promoted.

Robert Miller, to be Major of the 6th Regiment, in the place

of Alexander Helm, if promoted.

Eli Moore, to be Major of the 78th Regiment, in place of John B. Powell, promoted.

Clarles Glover, to be Colonel of the 34th Regiment.

William Lane, to be Lieutenant Colonel of the 34th Regiment, in the place of Oliver Caldwell, resigned.

Robert H. Gatewood, to be Major of the 34th Regiment, in place of Charles Glover, if promoted.

Daniel S. Bradley, to be Colonel of the 47th Regiment.

Charles D. Lenox, to be Lieutenant Colonel of the 47th Regiment.

Samuel Smith, to be Major of the 47th Regiment, in place of Daniel S. Bradley, if promoted.

Obediah Tracy, to be Colonel of the 36th Regiment, in the

place of John Clinkinbeard, resigned.

Francis McDonald, to be Lieutenant Colonel of the 36th Regiment, in the place of Obediah Tracy, if promoted.

Zachariah Haggard, to be Colonel of the 17th Regiment, in the

place of Pleasant Bush, resigned.

George W. Bush, to be Lieutenant Colonel of the 17th Regiment, in the place of Zachariah Haggard, if promoted.

Thomas P. Wilson, to be Colonel of the 18th Regiment, in the

place of Jeremiah Long, resigned.

John Lewis, to be Lieutenant Colonel of the 18th Regiment, in the place of Peter Boothe, resigned.

George Wilcox, to be Major of the 18th Regiment in the place of Thomas P. Wilson, if promoted.

John T. Stout, to be Lieutenant Colonel of the 85th Regiment

in place of A. M. Buckner, resigned.

Gibson T. Wilson, to be Major of the 85th Regiment, in the place of John T. Stout, if promoted.

Thomas Easterday, to be Brigadier General of the 21st Brigade, in the place of Jesse Lindsay, resigned.

Joshua Buster, to be Brigadier General of the 16th Brigade, in

the place of Tunstall Quarles, resigned.

John Ryan, to be Lieutenant Colonel of the 53d Regiment, in the place of James Jones, promoted..

Wesley Branscomb, to be Major of the 53d Regiment, in place

of John Ryan, if promoted.

Hiram S. Emmerson, to be Colonel of the 46th Regiment, in the place of L. B. Thurman, resigned.

Jesse Smith, to be Lieutenant Colonel of the 46th Regiment, in

the place of H. S. Emmerson, if promoted.

Robert Elliott, to be Major of the 46th Regiment, in place of Jesse Smith, if promoted.

Philip Emmert, to be Colonel of the 109th Regiment, in place of

Joseph G. Hardin, resigned.

William H. Wilson, to be Lieutenant Colonel of the 109th Regiment, in place of Philip Emmert, if promoted.

William Bush, to be Major of the 109th Regiment, in place of

Z. Warren, resigned.

Benjamin Brandon, to be Colonel of the 20th Regiment, in

place of Michael Fry, resigned.
Francis S. Coleman, to be Lieutenant Colonel of the 20th Regi-

ment, in place of Benjamin Brandon, if promoted.

Alexander Givens, to be Major in the 20th Regiment, in the place of Francis S. Coleman, if promoted.

Benedict H. Hobbs, to be Colonel of the 30th Regiment, in place

of J. R. Ringo, resigned.

William K. McChord, to be Lieutenant Colonel of the 30th Regiment, in place of B. H. Hobbs, if promoted.

Samuel Mars, to be Major of the 30th Regiment, in place of

Wm. K. McChord, if promoted.

William Pearce to be Colonel of the 14th Regiment, in place of N. L. Lindsay, resigned.

Charles Lander, to be Lieutenant Colonel of the 14th Regiment,

in place of William Pearce, if promoted.

William Allen, to be Major of the 14th Regiment, in place of George W. Williams, removed.

William Campbell, to be Colonel of the 40th Regiment, in place

of Henry W. Black, promoted.

William C. McNary, to be Lieutenant Colonel of the 40th Regiment, in place of William Campbell, if promoted.

Mosley P. Wells, to be Major of the 40th Regimet, in place of

W. C. McNary, if promoted.

Samuel M. W. Wing, to be Brigade Quarter Master of the 17th Brigade.

Wesley G. Langley, to be Division Inspector for the 11th Division.

Thomas W. Cochran, to be Major of the 111th Regiment, in place of Jesse Darnall, resigned.

Enoch Floyd, to be Colonel of the 61st Regiment, in the place

of John Cole, resigned.

William Dalton, to be Lieutenant Colonel of the 61st Regiment.

Jonathan T. Carpenter, to be Major of the 61st Regiment, in place of E. Floyd, promoted.

Micajah Basham, to be Lieutenant Colonel of the 59th Regi-

ment, in place of C. B. Alexander, resigned.

William Glascock, to be Major of the 59th Regiment, in place

of Joseph Green, refused to qualify.

Garland Lillard, to be Brigadier General of the 6th Brigade, in the place of William Johnson, resigned.

J. T. MOREHEAD.

February 24, 2834.

Resolved, That the Senate advise and consent to the appointments of the persons as nominated in the said message.

Ordered, That Mr. Murrell inform the Governor thereof.

A message in writing was received from the Lieutenant and acting Governor, by Mr. Sanders, Secretary of State, announcing that he did, on the 22d instant, approve and sign enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate a Dock Company at Smithland.

An act to repeal the fifth section of the act entitled, an act to regulate endorsements on executions, approved December 25, 1820.

An act providing for the sale of the lands of James Tutt, deceased.

An act for the benefit of William Fisher.

An act requiring Clerks to renew their bonds, and authorising motions against defaulting sheriffs, collectors and clerks, at the June term, 1834, of the General Court.

An act for the benefit of the heirs of James Y. Kelly, deceased. An act to legalize the proceedings of the Casey county court. An act concerning the county court of Fleming, county, and to change the time of holding the Clay circuit court.

An act incorporating the Maysville Insurance Company.

An act to establish an election precinct in the county of Cumberland.

An act allowing an additional justice of the peace to the county of Lewis, and an additional constable to the county of Jefferson.

An act for the benefit of Charles C. Moore, and Levi Van Camp.
An act to incorporate the Walnut Hill Seminary, in Warren county.

An act concerning the town of Alexandria in Campbell county.

An act appropriating some of the vacant lands in certain counties for the improvement of their roads.

An act to establish an election precinct in Bourbon county, and authorising the court to appoint a constable, and for other purposes.

An act to extend the bounds of the town of Elizabeth, in Har-

din county. Kentucky.

An act for the benefit of the wife aud children of Thomas Q. Roberts.

An act to establish the Bank of Kentucky.

An act to authorise the county courts of certain counties to increase the allowance to patrols of said counties.

An act for the benefit of the Lexington and Ohio Rail Road

Company.

An act providing for the sale of real estate in certain cases.

An act for the benefit of Harriet Johnson.

An act to amend the charter of the city of Louisville.

An act for the benefit of the heirs and legal representatives of James G. Lindsey, deceased.

An act to incorporate a company to turnpike a road from Frank-

fort to Lexington, by way of Versailles.

An act for the benefit of the Sheriff of Barren county.

An act to provide for the payment of private property, taken for public purposes.

An act for the benefit of the devisees and heirs of Adam Link.

An act authorising the erection of a bridge across Main Licking river, at or near its junction with the Ohio river.

An act to improve the road from Carlisle, Flemingsburg, &c. to

the mouth of Big Sandy river.

An act to provide for the payment of subscriptions and appropri-

ations to objects of internal improvement.

An act to turnpike the stage road from Lexington to Nashville, where it passes over Muldrow's Hill.

An act for the benefit of William Samuels, late sheriff of Nel-

son county, and for other purposes.

An act to amend the act to incorporate the Rolling Fork Bridge Company, approved, December 2, 1831, and to authorise the construction of a bridge across Big Barren river.

An act for the benefit of Lewis Snap, and limiting the powers of the trustees of the town of Mount Washington, in Bullitt county.

An act supplementary to an act, entitled, an act to establish the county of Marion.

An act changing the time of holding the Logan county court.

And on this day—Bills of the following titles, viz:

An act to alter the time of holding the Meade circuit court, and for other purposes.

An act for the benefit of Isabella and William Steele.

An act to improve the navigation of Big Barren and Blood rivers.

An act to amend the law prescribing penalties for obstructing pavigation.

The Senate receded from the amendment proposed by them to

a bill from the House of Representatives, entitled,
An act to improve the state road leading from London to the

Tennessee state line.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to a bill entitled, an act to appoint an additional justice of the peace in Gallatin county, with amendments.

A bill from the House of Representatives, entitled, an act to amend the law establishing a state road from Lexington to Ghent, on the Ohio river, and the amendments of the Senate thereto, were taken up.

Mr. Wingate moved to lay the said bill and amendment on the

able:

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dough-

erty and Boyd, were as follows, viz:

YEAS-Messrs. Brown, Chinn, Clark, Cunningham, Gholson, Griffith, Murrell, H. Owsley, W. Owsley, Sisk, Taylor, Thornton, Willis, Wingate-14.

NAYS-Messrs. Boyd, Coffey, Daviess, Dougherty, Gilbert,

Heady, McHenry, Nuttall, Parks, Southgate, Young--11.

On the motion of Mr. Wingate, the last vote was reconsidered; and the Senate receded from their amendment to the said bill.

The amendments proposed by the House of Representatives, to a bill from the Senate entitled, an act repealing the law authorising the people of Rockcastle and Laurel counties to pass the Turnpike and Wilderness road without paying toll, were twice read and concurred in.

A bill from the House of Representatives, entitled, an act regulating the mode of settling the accounts of executors, administra-

tors and guardians, was read the third time, as amended.

Mr. Conner moved to lay the said bill on the table until the first day of June next:

And the question being taken thereon, it was decided in the

negative.

The yeas and nays being required thereon by Messrs. Conner and Gholson, were as follows, viz:

YEAS—Messrs. Bramlette, Coffey, Conner, Cunningham, Dejarnatt, Gholson, James, McDonald, McHenry, Murrell, Parks, Sisk, Taylor, Thornton—14.

N2

NAYS—Messrs. Bibb, Boyd, Brown, Chinn, Clark, Daviess, Gilbert, Griffith, Harris, Heady, Nuttall, H. Owsley, W. Owsley, Southgate, Willis, Wingate, Young—17.

Resolved, That the said bill, as amended, do pass, and that its

title be as aforesaid.

A message in writing was received from the Lieutenant and acting Governor, by Mr. Sanders, Secretary of State.

The rule of the Senate having been dispensed with, the said message was taken up, and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, Skelton Renfro, to be commissioned Keeper of the Wilderness Turnpike Gate, for one year from the expiration of the last year for which he was appointed, and until his successor shall be commissioned and qualified.

Also, Jefferson J. Polk, to be commissioned Notary Public, in

and for the county of Mercer.

I also, nominate for your approval, Thomas S. Page, John L. Blaine, Henry Owsley and Jacob Swigert, as the securities of the Treasurer of the state for the ensuing year.

J. T. MOREHEAD.

February 24, 1834.

Resolved, That the Senate advise and consent to the appointments of the said Renfro and Polk, and that they approve of the said securities.

On the motion of Mr. W. Owsley-

The committee of courts of Justice was discharged from the further consideration of all the business before them.

A bill for the benefit of the heirs and legal representatives of Samuel J. Beall, deceased, was taken up, and ordered to be engrossed and read a third time.

The rule of the Senate, constitutional provision, and third reading of the said bill, having been dispensed with, and the same be-

ing engrossed:

Resolved, That the said bill do pass, and that its title be as aforesaid.

After a short time a message was received from the House of Representatives, announcing that they had passed the said bill:—

And that they had concurred in the amendments of the Senate, to a bill from that House, entitled, an act regulating the mode of settling the accounts of executors, administrators and guardians.

And that they had concurred in the amendments proposed by the Senate upon concurring in the amendments proposed by that House, to a bill from the Senate, entitled, an act to appoint an additional justice of the peace for Gallatin county. Bills from the House of Representatives, of the following titles,

viz: An act to repeal in part, an act entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes, passed during the present session.

An act for the benefit of the widow and heirs of Richard Hall,

deceased.

An act for the benefit of John Fletcher.

An act to establish an additional election precinct in the county of Henderson.

An act to amend an act to authorise the sale of certain lands of

Edmund H. Taylor, approved, December 31, 1832.

An act for the benefit of the heirs of William P. Gibbs and Richard Jones,

Were severally read the first time, and ordered to be read a sc-

cond time.

The rule of the Senate, constitutional provision, and second and third readings of the said bills, having been dispensed with,

Resolved, That the said bills do pass, and that their titles be as

aforesaid.

A message in writing was received from the Lieutenant and acting Governor, by Mr. Sanders, Secretary of State.

The rale of the Senate having been dispensed with, the said

message was taken up and read as follows, viz:

GENTLEMEN OF THE SENATE:

I nominate for your advice and consent, the following named gentlemen, to be commissioned to the offices respectively annexed to their names, in and for the county of Marion.

Samuel Ingram, to be Sheriff. David Philips, to be Coroner. Andrew Cunningham, Jereboam Beauchamp, John Ferguson, Hendly Taylor, Ambrose M. Clark, Joseph Winscott, Hezekiah Ray, George W. Taylor, William McMurry, Micajah Malone and James Dever, to be justices of the peace.

Those gentlemen having been recommended to me by a majority of all the members of the House of Representatives from the Senatorial district, in which the said county of Marion is situated.

J. T. MOREHEAD.

February 24, 1834.

The question being taken on advising and consenting to the appointment of the said Samuel Ingram, as Sheriff of Marion county, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Willis and

McDonald, were as follows, viz:

YEAS-Messrs. Bibb, Boyd, Brown, Chinn, Clark, Coffey, Conner, Daviess, Dejarnatt, Gholson, Griffith, James, McDonald, Murrell, Nuttall, H. Owsley, W. Owsley, Parks, Southgate, Taylor, Thornton, Wingate—22.

NAYS—Messrs. Bramlette, Dougherty, Heady, McHenry, Rcberts, Sisk, Willis, Young—8.

Resolved, That the Senate advise and consent to the appointments of the other persons, as nominated in the said message.

Mr. Willis moved the following resolution, viz:

Reso'ved, That the Clerk of the Senate issue a writ of election, to the counties of Jefferson and Bullitt and the city of Louisville, for the election of a Senator from said counties and the city of Louisville, to fill the vacancy occasioned by the election of the Hon. James Guthrie, late Senator, Speaker of the Senate.

Mr. Thornton moved to lay the said resolution on the table until the first day of June next.

And the question being taken thereon, it was decided in the ne-

The yeas and nays being required thereon by Messrs. Daviess and Willis, were as follows, viz:

YEAS—Messrs. Bibb, Boyd, Brown, Clark, Conner, Gholson, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Southgate, Taylor, Thornton—14.

NAYS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Gilbert, Heady, James, McHenry, Nuttall, Parks, Sisk, Willis, Wingate, Young—15.

On the motion of Mr. James-

The said resolution was amended by adding thereto, these words,

"During the term for which he was elected as Senator for said district."

The question being taken on adopting the said resolution, as amended, it was decided in the negative.

The yeas and nays being required thereon by Messrs. W. Owsley, and Willis, were as follows, viz:

YEAS—Messrs. Bramlette, Coffey, Daviess, Dejarnatt, Dougherty, Heady, James, McHenry, Nuttall, Parks, Sisk, Willis, Young—13.

NAYS.—Messrs. Bibb, Boyd, Brown, Clark, Conner, Gholson, Griffith, Murrell, H. Owsley, W. Owsley, Roberts, Southgate, Taylor, Thornton, Wingate—15.

On the motion of Mr. Taylor-

The committee of finance was discharged from the consideration of all the business before them.

Messrs. Dougherty, H. Owsley, Conner and Murrell, from the joint committee of enrolments, reported that the committee had

examined enrolled bills, and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to improve certain roads in the counties of Lawrence, Morgan, Floyd and Greenup.

An act to incorporate the Georgetown and Rail Road Turnpike

Company.

An act to amend the law establishing a state road from Lexing-

ton to Ghent, on the Ohio river.

An act to provide for the appointment of commissioners for the counties of Butler, Henderson and Muhlenburg, in addition to those appointed for the improvement of Green river, by an act, approved February 2d, 1833.

An act to establish the town of Portland, and for other purposes.

An act to regulate tolls on the Sandy road.

An act to authorise an additional subscription on the part of the Commonwealth, in the Stock of the Board of Internal Improvements for Franklin county.

An act for the benefit of the clerk of the Calloway county court.

An act concerning free persons of color in this Commonwealth.

A resolution directing the burning of Commonwealth's paper

quarterly.

An act to appropriate a sum of money to improve the road from the city of Louisville to the Tennessee state line, in a direction to Knoxville.

An act to appropriate money.

An act for the benefit of the heirs of William P. Gibbs and Richard Jones.

An act to repeal in part, an act entitled, an act to improve the state road from Liberty, in Casey county, to Columbia, in Adair county, and for other purposes, passed during the present session.

An act for the benefit of the widow and heirs of Richard Hall, deceased.

An act regulating the mode of settling the accounts of executors, administrators and guardians.

An act to amend an act to authorise the sale of certain lands of Edmund H. Taylor, approved, December 31, 1832.

An act for the benefit of John Fletcher.

An act to improve the state road from London to the Tennessee state line.

An act to establish an additional election precinct in the county of Henderson.

And had found the same truly enrolled;

That the said bills and resolution had been signed by the Speaker of the House of Representatives;

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee, to be presented

to the Lieutenant and acting Governor for his approbation and signature.

After a short time, they reported that they had performed

that duty.

After some time a message was received from the House of Representatives, announcing that they had received official information that the Lieutenant and acting Governor had approved and signed the said bills and resolution.

Messrs. Dougherty, H. Owsley, Conner and Murrell, from the committee of enrolments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, viz.

An act to amend an act, entitled an act to incorporate the trustees of the Augusta College, approved December 7th 1822.

An act to provide for repairing the state road, leading from Prestonsburgh, by way of Pikeville, to the Virginia line, and for other purposes.

An act for the benefit of Spencer and Laurel counties.

An act declaring the Bayou de Chien, in Hickman county, a navigable stream from the town of Moscow to Caldwell's mill.

An act to amend the charter of the Maysville, Washington, Paris and Lexington Turnpike road Company, and for other purposes.

An act concerning the counties of Hardin and Meade.

An act to establish an election precinct in Hart county.

An act for the benefit of Edward Leach.

An act to incorporate the Theological Seminary of the Protestant Episcopal church in the state of Kentucky.

An act to amend the law concerning executions.

An act to establish an election precinct in Shelby county.

An act to define the powers of the Trustees of Maxville in Washington county.

An act for the benefit of Isaac Cunningham and Matthew Thompson, the late and present Sheriffs of Clarke county, and concerning the collection of the revenue tax and county levies in said county.

An act to repeal the law making it the duty of the Ferry keeper at the mouth of the Kentucky river, in Gallatin county, to ferry all qualified voters, at the elections, free of charge.

An act to legalise certain proceedings of the Fayette County Court.

An act to incorporate the Mechanics' Fire Engine and Hose company of Louisville.

An act amendatory to the several acts relating to the town of Newport in Campbell county.

An act to increase the pay for travelling of the members of the general assembly.

An act to repeal the law authorising the people of Rockcastle, Knox, Harlan and Laurel Counties, to pass the Turnpike and Wilderness road without paying toll.

An act allowing additional constables to Shelby and Pulaski

counties.

An act to authorise the insertion of orders in the Kentucky Register.

An act authorising the county court of Logan county, to record

certain deeds.

An act to amend an act for the benefit of the heirs of Penjamin Beall, late of Campbell county, approved, December 15, 1823.

An act to improve the South Fork of the Kentucky river from its

junction with the North Fork to Goose Creek salt works.

An act providing for the erection of a bridge across the Beech Fork, in Washington county.

An act to appoint additional justices of the peace, and constables,

to certain counties.

An act for the benefit of the heirs and legal representatives of Samuel J. Beall, deceased.

An act for the benefit of the heirs of Thomas J. Owings, deceased,

And had found the same truly enrolled;

That they had been signed by the Speaker of the House of Representatives:

Whereupon the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Lieutenant and acting Governor for his approbation and signature.

After a short time, they reported that they had performed that

duty.

After some time, a message was received from the Lieutenant and acting Governor, by Mr. Sanders, Secretary of State, announcing that he had approved and signed the said bills.

A message was received from the House of Representatives announcing that they had finished the legislative business before them and were now ready to adjourn without day.

And that they had appointed a committee on their part to wait on the Lieutenant and acting Governor, to inform him of the intended adjournment of the general assembly, and to know whether he had any further communication to make.

Whereupon, Messrs. Daviess, Clark and Thornton, were appointed a committee on the part of the Senate.

Ordered, That Mr. Daviess inform the House of Representatives thereof.

The committee retired, and after a short time returned, when Mr. Daviess reported that they had performed the duty assigned them, and were informed by the Lieutenant and acting Governor, that he had no further communication to make.

The Speaker having retired, Mr. Brown was called to the chair. When Mr. Wingate moved the following resolution, viz:

James T. Morehead, Esq. having been called to exercise the office of Governor, Resolved, That the Senate tender to him their thanks for the dignified and impartial manner, in which he discharged the duties of Speaker during the time he presided at the present session.

Which was unanimously adopted.

Mr. Clark moved the following resolution, viz:

Resolved, That the thanks of the Senate be tendered to James Guthrie, Esq. for the dignified and impartial manner in which he has discharge I the duties of Speaker during the time he has presided at the present session.

Which was unanimously adopted.

The Speaker having resumed the chair and delivered an appropriate address, adjourned the Senate without day.

APPENDIX

TO THE

JOURNAL OF THE SENATE.

[A.]

DOCUMENTS

ACCOMPANYING THE GOVERNOR'S MESSAGE.

REPORT of the joint committee of the Senate and Assembly of the state of New-York, on so much of the Governor's Message as relates to the communication from the Governor of the state of South Carolina, and the proceedings of the Convention of the People of that state.

[Made to the Legislature, January 29, 1833.]

The right claimed by the State of South Carolina, to make void the laws of the United States within her territory, is so fully set forth in the Ordinance and Documents before the Legislature, and so well understood, that a precise statement, in this report, of its nature and extent, would be superfluous.

The committee have considered the claim, thus set up, with the attention due to the high respectability of the source from which it emanated, and to the very grave consequences that would unavoidably result from its establishment; and they concur with the Governor in regarding it as a pretension, "not merely unauthorised by the Constitution of the United States, but fatally repugnant to

all the objects for which it was framed."

The unfounded nature of the authority asserted by South Carolina, has been so clearly demonstrated in the Proclamation of the President of the United States, which has been published by order of the Legislature, and now on its files; and is so fully confirmed by the concurring opinions of the people of every other State in the Union; that it cannot be necessary that the committee should attempt to shed any additional light upon a subject, in respect to which the argument may, with so much truth, be said to be exhausted.

The duty of the President to exercise the authority vested in him by the Constitution and laws of the United States; to enforce the latter in the State of South Carolina, notwithstanding the unjustifiable attempt on the part of that State to arrest the due execution thereof, is obvious and imperative. And the committee are well satisfied that they represent truly the opinions of the Government and People of the State of New-York, when they reciprocate the assurance given by the Governor, that in the performance of that great and responsible duty, by the exercise of necessary and proper means, the President may count on their support and co-oper-

With this brief statement of the principal matter referred to them, the committee would prefer to leave the subject. Considered only with reference to the present aspect of the affair, it might not be strictly necessary to say more; and they deprecate too sincerely the asperities which usually grow out of diversities of opinion upon doctrinal points, not to be anxious to avoid them as far as it can properly be done. The more especially are they impressed with the propriety of such a course, in reference to the present posture of our public affairs, when the hearts and minds of our citizens should be exclusively directed to the measures best calculated to preserve the happy union of these States in the spirit of affection and brotherly love in which it was established. The committee, however, are too well advised of the desire of the Legislature that their opinion should be distinclty expressed upon some points of deep interest, growing out of the assumptions of right contained in the Ordinance of South Carolina, and the commentary of the President thereon in his recent Proclamation and Message, to feel themselves at liberty to exercise a discretion upon the subject.

In the performance of the duty assigned them, they will submit the dictates of their best judgment, in that spirit of liberality and forbearance which, under any circumstances, it would give them pleasure to cherish, but which, under those that now exist, they

consider it a sacred duty to observe.

They believe that this duty cannot be better discharged than by a frank and explicit avowal of the principles which, in their opinion, ought to be applied to the construction of the Constitution of the United States, and to control in that respect the administration of the government established by it. They regard it the more important to do so, from the attempts which have been made to bring into discredit political principles which the people of this State have so long and so ardently cherished; and upon the maintenance of which, in all their purity, the committee firmly believe the safety of our institutions, and the future welfare of the country, mainly depend. The re-assertion of those principles at a period like the present, when there is reason to fear that they may suffer from

misapprehension or misrepresentation, is, in the opinion of the com-

mittee, a matter of a paramount obligation.

There is no reasonable ground to doubt, that the great body of the American people are fervently attached to the union of the States, and sincerely desirous that the partition and limitations of power intended to be established by the Federal Constitution, and the republican principle on which it rests, should be preserved inviolate. They have, however, greatly differed as to the most effectual and least exceptionable means, of effecting those objects; and as to the true source of the dangers to which our political system was exposed.

These differences arose in the Convention which framed the Constitution; attended every step of its formation and establishment, and have never ceased to exist. Consolidation on the one hand, tending to monarchy in the head, and on the other, anarchy, consequent upon the insubordination and resistance of the members, were the evils anticipated at its formation, and have ever since been

dreaded by the respective parties.

A portion of the people believed, that unless great vigor was imparted to the Federal arm, it would not be able to sustain itself against the power and influence of the States, and effect the great objects which all desired to accomplish, through the agency of the Federal Government. Others supposed, that the natural tendency of the new system would be towards consolidation; and that unless the powers delegated to the government, thus created, were granted with a sparing hand, scrupulously and vigilantly guarded, and the remaining powers and sovereignty of the States amply protected, there would be reason to apprehend that the revolution of 1776 would be shorn of its honors and its benefits; and the consequence ultimately would be, a return to that form of government which had been thrown off at so much cost. No candid and intelligent observer can have failed to witness the enduring effects of these early differences, nor be ignorant of the unceasing influence they have exercised on public affairs. On every recurrence to the conflicting principles by which they were generated, we have seen on the one side, a strong inclination to yield, readily, to that construction, and to that course of measures, which might best serve to strength en the Federal Government, and extend the sphere of its action; a disposition which at all times, but with various success, has been resisted by those, who entertain different views, as to the best means of securing the efficacy and harmony, and of preserving the equilibrum, and constant stability, of the entire system. It is not the intention of the committee to enter into a particular consideration of the reasons, by which these conflicting opinions are respectively sustained; nor to advert to them, farther than is necessary to the distinct and intelligible explanation of their own views, upon the subject referred to them.

The committee are advocates for the reserved rights of the States, and a strict construction of the Constitution of the United States. Experience has, they think, fully demonstrated the wisdom of the determination of the Convention to commit to the Federal Government, the management of such concerns only, as appertain to the relations of the States with each other, and with foreign nations, and certain other matters particularly enumerated in the Constitution: leaving the great mass of the business of the people, relating as it does mainly, to their domestic concerns, to the legislation of the States. They were wisely regarded as the safest depositories of the latter powers. This course was moreover due to the reserved sovereignty of the States, and required by an enlightened estimate of the dangers to the harmony of National Legislation, inseparable from the great diversity in the interests and conditions of the different States. A sincere adherence to this partition of legislation amongst the respective governments. and an honest and inflexible observance of the specifications and restrictions by which it was defined, in the sense designed by the Convention, and as understood by the people in the adoption of the Constitution, are in the best judgment of the committee, indispen-

sably necessary to its preservation.

Time, and the course of events, have solved the great problem that divided the Convention. It is now apparent that the tendency of the system is to encroachments by the Federal Government upon the reserved rights of the States, rather than to an unwillingness on the part of the States to submit to a full exercise of the powers which were intended to be delegated to the General Government. So manifest has this tendency been rendered to the people of the U. States, that at several interesting eras in our history, they have been induced by the excesses to which it led, to rise in their strength and drive from power, the agents employed in giving it effect. Such was their course in the memorable civil revolution of 1800: and the same sovereign remedy, upon the same impulse, and, it is hoped, with similar effect, was applied by the people in 1828. Whilst these scenes have passed before our eyes, and stand forth upon the page of our history, for our edification and security, not an instance has occurred in which the resistance of a single State, to the measures of the Federal Government, has excited sufficient sympathy or countenance from her sister States, to afford cause for a well grounded apprehension of detriment to the Union, by improper combination amongst its members. Even at this critical emergency in our public affairs, when so much discredit is apprehended to the sacred cause of State rights from the excesses of South Carolina, the confidence of the committee in the correctness of that cause is strengthened by the exemplary conduct of her sister States. When we witness the fervent zeal that pervades them all, and see so many who have the same cause of complaint as South Carolina, and who

are equally solicitous for a redress of their grievances, rising superior to local interests, exhibiting to the world the most sublime spectacle of devoted patriotism, and throwing their great moral and physical weight into the scale of the Union, who can doubt that now, as in the late war, the federal arm, in the hour of its greatest peril, will be upheld by the State authorities? The committee are cheered by this animating indication of fidelity, not merely because they see in it the unequivocal evidence of the safety of that Union which they so highly cherish, but on account of the favourable influence which the complete establishment of the principles to which they have avowed their attachment, is calculated to exercise on the future administration of this government. In "the support of the State governments in all their rights as the most competent administrators of our domestic concerns and the surest bulwarks against anti-republican tendencies: and the preservation of the general government in its whole constitutional vigor, as the sheet-anchor of our peace at home and safety abroad," the committee recognise the highest duties of every public functionary; and in the encouragement derived from the approving voice of a virtuous and grateful people, the best security for their faithful performance.

Of the deeply interesting questions arising upon the Ordinance and other documents referred to the committee, there is none of more immediate importance, than the claim which is advanced, that a single State has a right to withdraw herself, against the wishes of her co-States, from the Union, whenever, in her sole judgment, the acts of Federal Government shall be such as to justify

the step.

The committee cannot approve this doctrine. Anxious as they are to sustain the sovereignty of the States in its full force, they do not feel it to be less their duty to "preserve," in the language of Mr. Jefferson, "the General Government, in its whole constitutional vigor." There is no conflict of duty between these sentiments; so far from it, that, in the opinion of the committee, no man can be a good citizen, who is disloyal to either. No apprehension too alarming, can be entertained as to the injurious consequences which may result from the principle attempted to be established. The committee have witnessed with deep regret, that an impression has gone abroad, that the assertion of this right was embraced in the proceedings of the Legislatures of Virginia and Kentucky, in 1798 and 1799. Whatever authority there may be for the right of secession, it certainly cannot, in the opinion of the committee, claim any from these proceedings. They took place at a very dark and portentous period in our history; when the encroachments of the Federal Government, and the general temper of the times had filled the hearts of many of our firmest patriots with alarm.

The respect of the people of this State, for those emanations of lofty and devoted patriotism, is at this day as great, and their devotion to principles they inculcated, as sincere as it was in 1800. And the committee cannot, as they conceive, render a more acceptible service to the Republic, than by separating them from a doctrine which, however sincerely it may be entertained by others, is rejected by our citizens, with a degree of unanimity, heretofore unknown to political controversy. A very brief exposition of the nature and history of those proceedings, is all that is essential for that purpose. The portions of the Virginia Resolutions, upon the alien and sedition laws, (and there is not, in this respect, sufficient difference between them and those of Kentucky, to make the separate examination of each necessary) from which a deduction is attempted to be made, are the following words:

"That this Assembly doth explicitly and peremptorily declare, "that it views the powers of the Federal Government, as resulting "from the compact, to which the States are parties, as limited by "the plain sense and intention of the Instrument constituting that "Compact; as no farther valid than they are authorised by the "grants enumerated in that Compact; and that, in case a deliber"ate, palpable and dangerous exercise of other powers, not grant"ed by the said Compact, the States who are parties thereto, have "a right, and are in duty bound, to interpose, for arresting the "progress of the evil, and for maintaining within their respective "limits, the authorities, rights and liberties appertaining to them."

"That the good people of this Commonwealth, having ever felt, "and continuing to feel, the most sincere affection for their brethren "of other States: the truest anxiety for establishing and perpetua-"ting the union of all; and the most scrupulous fidelity to that Con-"stitution which is the pledge of mutual frienship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence "that they will concur with this Commonwealth in declaring, as it "does hereby declare, that the acts aforesaid are unconstitution—"al; and, that the necessary and proper measures will be taken by "each, for co-operating with this State in maintaining unimpaired, "the authorities, rights, and liberties reserved in the States respectively, or to the people."

These resolutions were met by several of the State Lugislatures to whom they had been communicated, by counter resolutions, protesting against them with much warmth, chiefly on the ground that the act of a State Legislature, declaring a law of the United States unconstitutional was, in itself, an unconstitutional assumption of authority, and an unwarrantable interferance with the exclusive jurisdiction of the Supreme Court of the United States: accompanied, in some instances, with severe denunciations against their dis-

organizing tendency.

The resolutions of the protesting States were, at a succeeding session of the Virginia Legislature, referred to and reported upon, at large, by a committee of that body. Their report was written by Mr. Madison, and led to a re-affirmance, by Virginia, of the unconstitutionality of the alien and sedition laws, and a re-assertion of the doctrines of the original resolutions. This masterly exposition of the true principles of the Constitution, and of the abuses which had been practised under it, contributed more than any event, to that radical change in the public sentiment of the country, which was consumated by the election of Mr. Jefferson, and has, from that day to the present, been justly regarded as the genuine text book of political orthordoxy. The committee do. unhesitatingly, and with great satisfaction, embrace this occasion to avow their decided approbation of its doctrines; and they feel, that they would be wanting in gratitude and duty, if they were not to express their conviction of the benefits which have been derived from their influence: of the extent to which, in their opinion. the future operations of our political institutions are dependent upon the continued respect and confidence of the people in them: as well as their unfeigned admiration of the unsurpassed disinterestedness and inflexible fidelity, with which those doctrines have, through evil, and through good report, been sustained by that truly

patriotic member of the confederacy.

That the judicial department of the Federal Government, was the exclusive expositor of the Constitution, in cases submitted to its judgment, in the last resort, was freely admitted. But, it was contended by that committee, - "First, that there may be instances of usurped power, which the forms of the Constitution would never draw within the control of the judicial department: Secondly, that if the decision of the judiciary be raised above the authorities of the sovereign parties to the Constitution, the decisions of the other departments not carried by the forms of the Constitution before the judiciary, must be equally authoritative and final with the decisions of that department. That the resolutions of the General Assembly related to those great and extraordinary cases in which all the forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. That the resort to the judiciary must necessarily be deemed the last, in relation to the authorities of the other departments of the Government: not in relation to the rights of the parties to the constitutional compact, from which the judicial as well as the other departments hold their delegated trusts. On any other hypothesis, the delegation of judicial power would annul the authority of the power delegating it; and the concurrence of this department with others in usurped powers, might subvert forever, and beyond the possible reach of any rightful remedy, the very Constitution which all were instituted to preserve." That "a declaration that proceedings of the Federal Government are not warranted by the Constitution, was a novelty neithor among the citizens nor the Legislatures of the states"-"nor could the declarations of either, whether affirming or denying the constitutionality of the measures of the Federal Government; or whether made before or after judicial decisions thereon, be deemed in any point of view an assumption of the office of a judge. The declarations in such cases are expressions of opinion, unaccompanied with other effect than what they may produce on opinion by exciting reflection. The expositions of the judiciary, on the other hand, are carried into immediate effect by force. The former may lead to a change in the legislative expression of the general will: possibly to a change in the opinion of the judiciary." Hence it was urged that there was no impropriety in the declaration by the Legislature that the alien and sedition laws were unconstitutional: nor was there any valid objection to the communication of that resolution to her sister States; nor in the invitation which was given to them to concur therein; nor in asking for the adoption of "necessary and proper measures by each, for co-operating with her in maintaining unimpaired the authorities, rights, and liberties reserved in the States respectively, or to the people."

But what were those measures which the Legislature of Virginia deemed "necessary and proper" to meet the exigency in the affairs of the country so truly alarming as that which then existed, and to which their proceedings had reference? Was it to oppose, by State authority, the regular administration of justice in any case in law or equity committed by the Constitution to the Federal Judiciary? Did they relate to resistance by a member of the confederacy, to the execution of the laws of the United States, passed in conformity to the provisions of the Constitution; or embrace the revocation by a State of the powers which had, with so much solemnity, and under such high penalties, been granted by the people of the respective States to the Federal Government? Far, very far from it. Anticipations of this character were entertained when those resolutions were under discussion in the Virginia Legislature, and they were consequently denounced as the harbinger of civil commotion. These denunciations were met and refuted by the advocates of the resolutions, not only after they had been submitted to the other States, but when they were first submitted to the Legislature of that State. They were introduced by John

Taylor, of Caroline.

In reply to these predictions he said, "Suppose a clashing of opinion should exist between Congress and the States, respecting the true limits of the constitutional territories, it was easy to see that if the right of decision had been vested in either party, that party deciding in the spirit and interest of party, would inevitably have swallowed up the other. The Constitution must not only

have foreseen the possibility of such a clashing, but also the consequence of a preference on either side as to its construction; and out of this foresight must have arisen the fifth article, by which two-thirds of Congress may call upon the States for an explanation of any such controversy as the present, by way of amendment to the Constitution, and thus correct an erroneous construction of its own acts, by a minority of the States; whilst two-thirds of the States are also allowed to compel Congress to call a convention in case so many should think an amendment necessary, for the purpose of checking the unconstitutional acts of that body. Thus, so far as Congress may have power, it might exert it to check the usurpations of a State, and so far as the States may possess it, an union of two-thirds in one opinion might effectually check the usurpations of Congress. And under this article of the Constitution, the incontrovertible principle before stated might become practically useful, otherwise no remedy did exist for the only case which could possibly destroy the Constitution, namely, an encroachment by Congress or the States upon the rights of the Mr. Taylor then proceeded to apply these observations to the threats of war, and the apprehension of civil commotion, towards which the resolutions were said to have a tendency. Are the republicans said he, possessed of fleets and armies? If not, to what could they appeal for defence and support? To nothing except public opinion. If that should be against them, they must yield. How could the fifth article of the Constitution be brought into practical use, even upon the most flagrant usurpations? War or insurrection therefore, could not happen," &c. * * * * Such, however, he hoped would be the respect to public opinion, that he doubted not but that the two reprobated laws would be sacrificed, to quiet the apprehensions even of a single State, without the necessity of a convention or a mandate from three-fourths of the States, whenever it shall be admitted that the quiet and happiness of the people is the end and design of government.

Similar sentiments were advanced by the other supporters of the resolutions. Mr. Mercer said "that force was never thought of by any one. The preservation of the Federal Constitution, the cement of the Union, with its original powers, was the object of

the resolutions."

But all pretence for misapprehension or misconstruction upon this head is put at rest by the direct explanations of the Virginia Legislature, in the report which was made and received their sanction in the session of 1799; in which, in relation to the means referred to in the resolutions, and in answer to the objection that they might have been such as conflicted with the order and stability of the Union, they say, "In the example given by the State of declaring the alien and sedition acts to be unconstitutional, and of communicating the dcclaration of the other States, no trace of improper means has appeared. And if the other States had concurred in making a like declaration, supported too by the numerous applications flowing immediately from the people, it can scarcely be doubted, that these simple means would have been as suffi-

cient as they are unexceptionable.

"It is no less certain that other means might have been employed which are strictly within the limits of the Constitution. The Legislatures of the States might have made a direct representation to Congress, with a view to obtain a rescinding of the two offensive acts; or they might have represented to their respective Senators in Congress their wish that two-thirds thereof would propose an explanatory amendment to the Consitution; or two-thirds of themselves, if such had been their option, might, by an application to Congress, have obtained a convention for the same object.

"These several means, though not equally eligible in themselves, nor probably to the States, were all constitutionally open for consideration. And if the General Assembly, after declaring the two acts to be unconstitutional, the first and most obvious proceeding on the subject, did not undertake to point out to the other States a choice among the farther measures that might become necessary and proper, the reserve will not be misconstrued by liber-

al minds into any culpable imputation."

Such was the understanding of the import and the intent of the resolutions by him who introduced them; by those who supported them; by the committee to which they were at a subsequent session referred; and by the Legislature which adopted their exposition.

It is a matter of undoubted historical fact, that the Virginia resolutions were drawn up by Mr. Madison, and those of Kentucky by

Mr. Jefferson.

In the dispensation of an all-wise Providence, Mr. Madison's useful and brilliant life has been prolonged to this late period of existence. He has borne his testimony against the justice of any of the inferences which the committee have felt it their duty to repel: and they are unadvised of any act or declaration of Mr. Jefferson. who, in the confidence and affections of his fellow-citizens, was only second to the Father of his Country, which conflicts with the known views of his great coadjutor. The committee are well aware that the advocates of nullification have attempted to sustain that doctrine by expressions contained in an unpromulgated draft of the Kentucky resolutions found among his papers, in which is set forth the right of a State to nullify an act of Congress, passed in respect to a subject upon which its action is expressly inhibited, or upon which it had no authority to legislate at all. A suggestion which, if it were possible to make a paper so circumstanced whenever it may be found, the basis of so solemn an act, is clearly inapplicable to the case under consideration, inasmuch as it expressly declares, that for "an abuse of delegated power, (the most that could by possibility be made of the revenue laws) "the members of the General Government being chosen by the people, a change by the people would be the Constitutional remedy." But the published writings of that great man are replete with the evidences of his avowed opinions, inconsistent with the supposition that he believed in the right of a single State either to make constitutional resistance to the laws of the United States or to dissolve the Union by withdrawing herself from it, when in her sole judgment, the circum-

stances were sufficient to justify the act.

In a letter to Mr. Destutt Tracy, in January, 1811, he says, "Dangers of another kind might more reasonably be apprehended from this perfect and distinct organization, civil and military, of the States, to wit: that certain States from local and occasional discontents, might attempt to secede from the Union. This is certainly possible; and would be befriended by this regular organization. But it is not probable that local discontents can spread to such an extent as to be able to face the sound parts of so extensive a Union—and if ever they should reach the majority, they would then become the regular government, acquire ascendency in Congress, and be able to redress their own grievances by laws peacea-

bly and constitutionally passed.

In a letter to Elbridge Gerry, of January, 1812, he uses these significant and emphatic expressions:—"What, then, does this English faction with you mean? Their newspapers say rebellion, and that they will not remain united with us, unless we will permit them to govern the majority. If this be their purpose, their antirepublican spirit, it ought to be met at once. But a government like ours should be slow in believing this, should put forth its whole might when necessary to suppress it, and promptly return to the paths of reconciliation. The extent of our country secures it, I hope, from the vindictive passions of the petty incorporations of Greece. I rather suspect that the principal office of the other seventeen States, will be to moderate and restrain the local excitement of our friends with you, when they (with the aid of their brethren of the other States, IF THEY NEED IT,) shall have brought the rebellious to their feet."

In a letter to Major John Cartwright, as late as June, 1824, he says, "But you may ask, if the two departments, (meaning the General and State Governments,) should claim each the same subject of power, where is the common umpire to decide ultimately between them? In cases of little importance or urgency, the prudence of both parties will keep them aloof from the questionable ground; but if it can neither be avoided nor compromised, a convention of the States must be called, to ascribe the doubtful powers to that department which they may think best. You will perceive

by these details, that we have not yet so far perfected our Constitutions as to venture to make them unchangeable. But still, in their present state, we consider them not otherwise changeable than by the authority of the people, on a special election of representatives for that purpose expressly: They are until then the lex legum."

The committee have felt it their duty to say thus much, in order to separate the doctrines of 1798, from the principle now in question. So far, at least, as they are contained in and depend on documents which deserve to be held in respectful remembrance whilst

the Constitution endures.

Neither do the committee concur in the opinion that the right of secession necessarily results from the sovereignty of the States. It appears to the committee, and they express their views with unfeigned deference to the highly respectable opinions of those who differ with them, that this impression arises from erroneously regarding the sovereignty of the respective States as unqualified, and the association a mere confederacy of free and sovereign States.— If such were the case, if the union were a mere league, the result contended for might follow; but the committee do not so understand the system. The States, on the contrary, as it was competent for the people of each, acting in their highest sovereign character, have voluntarily established, by express grant, a sovereignty in some respects concurrent with, and in other respects superior to their own. This authority thus established, though founded on a compact, is nevertheless a government which is made by that compact sovereign and independent as to the powers granted to it, in the same manner as the States are sovereign and independent as to powers not granted. The people of the respective States have stipulated that their legislatures, and all their executive and judicial officers, shall be bound by oath or affirmation to support the Constitution of that government. For a breach of their allegiance to it, they have voluntarily subjected themselves to the highest penalties known to human laws; and to maintain its sovereignty, they have invested this government of their own creation with the purse and sword of the nation. The faithful performance of this contract is certainly matter of high obligation on all the parties to it; and no condemnation by the people can be too severe upon such as are so lost to the obligation under which they rest to each other, to the people, and to the cause of free government throughout the world, as to be guilty of its intentional violation. But, of the fact and consequences of such a breach, in cases where no other umpire has been designated, it is the right of each party to judge for itself; not for the Federal Government exclusively, as was contended by the States which protested against the Virginia and Kentucky resolutions in 1799; nor for each State solely, as is now contended. No right is reserved to the people of any State to absolve themselves from the performance of duties which they have so solemnly assumed, without the consent of the other party or parties to the compact. Each State, on surrendering a portion of its sovereignty, acquired, in consequence thereof, a right to the perpetual adherence of each of its co-States to that Union which is so necessary to, and was established for the security of all.

The Articles of Confederation abound with declarations that the Union then formed should be perpetual; and the present Constitution was established for the avowed purpose of making it more perfect. New-York entered into the formation of it expressly "to render the Federal Constitution adequate to the exigencies of the Government, and the preservation of the Union." Deficient, indeed would have been the work which came from the hands of those great men who framed the Constitution, the final adoption of which was hailed with so much joy by the people, if it thus contained the elements of its own destruction.

When a State shall attempt to withdraw herself from the Confederacy, it is for her co-States to decide whether they will relinquish the rights which they acquired when they surrendered a portion of their sovereignty—consent to a dissolution, and endeavor to establish a new government; or whether they will insist on the preservation of the Union as it is. Without the recognition of this right, the Union could not have existed to the present day.—Strip the States of this right, and a system which but yesterday excited the respect and admiration of the world, must soon, very soon, serve only as an additional argument in the mouths of monarchists and absolutists against the capacity of man for self-government.

Let it not, however, be supposed that the committee are the advocates of unconditional submission. Such are not their views .-They concur fully in the sentiment, "that the authority of Constitutions over governments, and of the sovereignty of the people over Constitutions, are truths which are at all times necessary to be kept in mind." Or, in the language of our own State, "that the powers of government may be re-assumed by the people, whenever it shall become necessary to their happiness. In respect to State governments, this control can be constitutionally exercised by a bare majority of the people; and in the Federal Government, by a specified number of the States. But this is not the only mode by which the people can redress intolerable grievances. There is another, which cannot be better described than has been done by Mr. Madison. "And in the event (says he) of the failure of every constitutional resort, and an accumulation of usurpations and abuses, rendering passive obedience and non-resistance a greater evil than resistance and revolution, there can remain but one resort, the last of all—an appeal from the cancelled obligations of the compact, to original rights and the law of self-preservation. This

is the *ultima ratio* under all governments, whether consolidated, confederated, or a compound of both. And it cannot be doubted that a single member of the Union, in the extremity supposed, but in that only, would have a right, as an extra and ultra-constitutional

right, to make the appeal."

It was to this species of separation, which God in his infinite mercy avert! that the committee understand Mr. Jefferson as referring, when he alluded to the farther measure of redress which might be resorted to in extreme cases, and spoke of Virginia's "standing by her arms." It was this great calamity that he sought to avoid, when he so eloquently and feelingly invoked his native state never to think of it, until the sole alternatives left, were a dissolution of the Union, or submission to a government, without limitation or power.

The history given by the President, of the formation of our Government, has drawn forth conflicting opinions in respect to its accuracy; and lest the committee might be regarded as having omitted any portion of their duties, they will, upon this subject, also, with deference to the views of others, briefly but frankly state

their own.

The character of our government, so far as that is effected by the manner in which the Federal Constitution was framed and adopted, has been always a matter of more or less contention.— Differences of opinion upon the subject, have been in some degree fostered by a seeming discrepancy between the preamble of the Constitution, and historical facts; and perhaps in a still greater degree, by the different senses in which the term "States" is used by different persons. If we use that term, not merely as denoting particular sections of territory, nor as referring to the particular governments, established and organized by the political societies within each, but as referring to the people composing those political societies, in their highest sovereign capacity (as the committee think that in this respect the term should be used) it is incontrovertible, that the States must be regarded as parties to the compact. For it is well established, that, in that sense, the Constitution was submitted to the States; that in that sense, the States ratified it .-This is the explantion which is given on the matter in the report to the Virginia Legislature, which has already received the sanction of the committee. It is in this sense of the term "States," that they form the constituency from which the Federal Constitution emanated, and it is by the States, acting either by their Legislatures, or in Convention, that any valid alterations of the instrument can alone be made. It is by so understanding the subject, that the preamble is reconciled with facts, and that it is a Constitution established by "the people of the United States," not as one consolidated body, but as members of separate and independent communities, each acting for itself, without regard to their

comparative numbers. It was in this form that the Constitution of the United States was established by the people of the different States, with the same solemnity that the Constitutions of the respective States were established; and, as the committee have heretofore insisted, with the same binding force in respect to the powers which were intended to be delegated to the Federal Government. The effects which are likely to be produced by the adoption of either of the different versions of the Constitution which have at different times been contended for, it is not the intention of the committee to discuss. The positive provisions and restrictions of that instrument, could not be directly abrogated by the recognition of either. The comparative weight and influence which would be attached to the allegations and remonstrances of the States, in respect to the supposed infraction of the Compact might, however, be very different, whether they are regarded as sovereign parties of the Compact, acting upon their reserved rights, or as forming only indiscriminate portions of the great body of the people of the United States, thus giving a preponderance to mere numbers, incompatible with the frame and design of the Federal Constitution.

The diversities of opinion which have arisen upon this subject, have been more or less injurious according to their influence in inclining or disinclining the minds of those who entertain them, to a faithful observance of the landmarks of authority between the respective governments. Professions are easily made; and the best evidence of a correct appreciation of the nature and design of the system by a public agent, is to be found in the general bearing of his official acts. If his conduct be characterized by a desire to administer the government upon the principles which his constituents have elected, and by a determination to repudiate the dangerous heresy, that the Constitution is to be interpreted, not by the well understood intentions of those who framed and of those who adopted it, but by what can be made out of its words by ingenious interpretation; if he honestly believes that the people are the safest depository of power, and acts up to that belief, by evincing an unwillingness to exercise authority which was not intended to be granted, and which the States and the people might not, on open application, be willing to grant; if he has steadily opposed the adoption of all schemes, however agnificent and captivating, which are not warranted by the Constitution-which, from the inequality of their benefits and burthens, are calculated to sow discord where there should be union, and which are too frequently the offspring of that love of personal authority and aggrandizement which men in power find it so difficult to resist. If he has done all in his power to arrest the increase of monopolies, under all circumstances so adverse to public liberty, and the equal interests of the community: If his official career has been distinguished by unceasing assiduity to promote economy in the public expenditures,

to relieve the people from all unnecessary burthens, and generally to preserve our republican system in that simplicity and purity which were intended for it—under which it has hitherto been so successful, by which it can alone be maintained; and on account of which it has, until this moment, stood in such enviable and glorious contrast with the corrupt systems of the old world: If such be the traces of his official course, and if in maintaining it he shall have impressed all mankind with the conviction that he regards as nothing, consequences which are merely personal to himself, when they come in contact with duty to his country, the people of the United States will not doubt his attachment to the true principles of that Constitution which he has so faithfully administered and so nobly supported. Such, the committee take pride in saying, has been the official course of our present Chief Magistrate, a course by which, in the judgment of the people of this State, he has established for himself imperishable claims to their gratitude,

respect and confidence.

The committee have thus explained their views upon the several delicate and deeply interesting questions before them, with that frankness which becomes the solemn occasion on which they act, and which should always characterise the movements of a sovereign State upon matters involving her relations with her sister States. In doing so they have felt it to be their duty to vindicate and explain the political principles which are entertained by themselves, and, as they believe, by a majority of the good people of this State. In the performance of this act of justice and duty, they have endeavored to avoid all imputations upon the motives of those who may differ from them. The same independence and toleration which they claim for themselves, they are disposed to extend to others. Amidst the conflict of interests and feelings with which those, who are charged with the conduct of public affairs at this interesting crisis, are obliged to struggle, there is happily one opinion which has not yet met with a dissenting voice in all the land; and which is fervently hoped, is too deeply implanted in the minds and hearts of the people to be ever eradicated. It is a thorough conviction, that anarchy, degradation and interminable distress, will be, must be, the unavoidable results of a dissolution of the union of these States. Associated with this undeniable and undenied truth, and growing out of it, there are, we trust, two other sentiments of equal universality—a determination to maintain the Union at all hazards, and a willingness to make liberal concessions, nay sacrifices, for the preservation of peace and reciprocal good will amongst its members. Upon this great conservative platform, all sincere friends of the Union, all who honor and truly respect the parting admonitions of the Father of his country, all who prefer that country to their own ambitious views and personal aggrandizement, and who are disposed to give the Executive

of the United States a cordial and efficient support, can meet, and actin concert to promote the greatest of all earthly objects. Here all may earn the enduring respect and confidence of the people, by an honorable sacrifice of personal and party feelings on the altar of their country's safety. We may differ as to the time, the manner, or the extent of the measures to be employed, whether of conciliation or coercion. It cannot be expected, at the present crisis, that honest and unprejudiced minds should all happen to arrive at the same conclusion. But such differences should not occasion heart burnings, much less resentments. Our fathers differed in like manner in the establishment of our government; and it is in vain for us to hope for exemption from similar embarrassments; the causes which produced them have not yet ceased to operate; they have been planted by the hand of nature, and cannot be entirely removed by that of man. Those, to whose valor and disinterested patriotism we are indebted for this glorious system under which we have so long and so happily lived, overcame them by mutual concession and compromise. If every man looks only to his own interests, or every State to its own favorite policy, and insists upon them, this Union cannot be preserved. We must not deceive ourselves upon this point, or suffer others to deceive us. Our errors, in this respect, may lead to consequences which can never be recalled; and over which we, and our posterity may have occasion to shed bitter tears of repentance; we must take higher counsel than that which is derived from our pockets or our passions; we must be just, and if need be, generous; and the deep and overpowering attachment of the great mass of the people to the Union, the fidelity, energy, and fortitude of their character, directed by the illustrious man so providentially at the head of the Government, will carry us safely through the dangers which threaten our beloved country.

It remains only to reciprocate, as the committee doubt not the two Houses will readily do, the magnanimous and enlightened sentiments expressed by the Governor, upon the subject which has caused the present embarrassments in our public affairs. Most cheerfully, therefore, do they respond to his declarations, which "disclaim for New-York all desire to aggrandize herself at the expense of her sister States, or to pervert to local purposes, a system of government intended for the common benefit of all;" which asserts her estimate of the value of the Union and her devotion to it; and which avow her willingness, if the operation of existing laws be adverse to those views, to consent to such a modification of them as will remove all just ground of complaint, and afford substantial relief to every real grievance. In these sentiments the committee recognize the best policy as well as the true glory of these States; a policy "which cultivates peace and harmony by ob-

serving justice."

The opinion of this State in favor of the constitutional power of Congress, to afford encouragement and protection to domestic products, by the establishment for that object of suitable commercial regulations, has been too often declared to need repetition. Neither time nor circumstances have contributed to change its convictions, either of the existence or importance of this right. out it, it would not be possible for the Federal Government to carry into effect one of the principal objects of its institution: and the United States would, in relation to our own exports, be left altogether at the mercy of foreign nations. The possession of the right, however, and the manner and extent of its exercise are very different matters. Whatever causes of serious apprehension for the stability of the Union may heretofore have arisen from this source, it appeares to the committee that they have been greatly lessened by the payment of the national debt, and the disposition of the Executive of the United States, and, as the committee firmly believe, of the great body of the people, to make such modification of the tariff as becomes by that event just and practicable. The repeated recommendations of the President to reduce the revenue to what is requisite to defray the expenses of the government, necessarily incurred within the pale of the Constitution, and under a strictly economical administration of our affairs, have been so distinctly and emphatically sanctioned by the people of this State, as to leave no room for doubt or cavil as to their cheerful acquiescence in the measure. Indeed, the committee are yet to learn, that there is any man in this great community who advocates or would justify the collection of taxes from the people for any other purpose, and certainly not for the sole one of taking money from the pockets of one class of our people to put into those of another. All that is asked, is, that the amount of duties thus raised, and so expended, shall be levied in such a manner as to afford reasonable encouragement and protection to our own manufactures and other productions, to enable them to compete with similar articles, the manufacture or production of other countries. With such qualifications as may be necessary to prevent injustice, and to preserve inviolate that sound rule of legislation, which requires that all public burthens should be borne in a proportion to the ability of the contributors, and the extent of the security which they derive from the govern-In other words, that too large a share of the public taxes be not imposed upon those articles of prime necessity to the poor, to the exoneration of articles of luxury, which are used only by the rich. And further, that the reduction of duties thus rendered practicable by the payment of the public debt, though ultimatey certain, should not be sudden or capricious, but tempered to the condition of existing establishments—establishments which have grown up and been encouraged by our legislation, and whose claims to the favor and indulgence of the government and people are founded upon the public faith. To a claim so reasonable the committee are unwilling to believe that the real friends of the Union any where can object. Men may resist to the uttermost the imposition of unreasonable burthens for the protection of articles, in the manufacture and production of which they are not immediately concerned. But, there are, surely, no American citizens who, exempt from such impositions, would not prefer to encourage those of their own country, in preference to the fruits of foreign labor.

It is not in behalf of New-York, particularly, that these considerations are urged. For it is notorious that this State is not the principal seat of manufacturing establishments. But justice dictates the same course whatever and wherever be its application.

The rules by which this distribution and reduction of the public burthens are to be effected, must from the nature of things, be more or less arbitrary and uncertain. But if the subject be undertaken and prosecuted in good faith—if the tariff system be not made subservient to the purposes of personal ambition, nor to the cravings of individual cupidity, but treated as a matter of business affecting, deeply, the private concerns of every man in every quarter of the Union, there is no doubt of the ability of Congress to adopt such rules as will be satisfactory to the nation.

That the bill of the last session will not reduce the revenue to the proposed standard is certain. The anticipated excess is estimated at between six and seven millions of dollars. Whether the late act should be permitted to go into operation with the intention of modifying the system at the next session of Congress; or whether the object in view shall be effected at the present session, by a law which, though passed now, shall have a gradual operation, is an important point in the difficult and deeply interesting question to be decided. The committee are by no means insensible to the embarrassment arrising from the existence of the Ordinance of the State of South Carolina, and regret that any such obstruction should have been thrown in the way of a regular expression of the public will. They could never advise any legislation by Congress under the dictation of any power; and they have very little fear, that any such will be desired by the Executive, or sanctioned by that body. It must, however, be borne in mind, that South Carolina is not the only State which considers herself injuriously affected by the existing law, and seeks relief from its operation; that there are many other States who are, in this respect, similarly circumstanced, whose alienation from the Union would be the greatest calamity that could befal us, but who have shown as much devotion to the Union, and have manifested as much repugnance to the measures of South Carolina as any. It is then for the justice and sound discretion of Congress to decide, whether, whilst all proper measures are adopted to maintain the laws of the United States in the State of South Carolina, in the same manner

as if no such Ordinance had been passed, they may not without detriment to the honor and dignity of the Government, now act upon a matter which has been so specially and urgently submitted to them by the Executive. We may be assured that there is sufficient intelligence and virtue in the people to judge those greatly deprecated measures by themselves, uninfluenced by prejudices of any sort on the one hand, or by the cotemporaneous measures of the Government on the other. Nor is it a matter of slight importance to the people of this State to consider whether the acts of South Carolina ought to occasion a collection from them of about one million of dollars annually, a sum three times as large as is required for the entire expenses of our State Government, when the President informs us that it is not needed for the public service.

The duty of deciding upon these grave matters rests, as has been justly observed by the Governor, so far as this State has a voice in the discussion, with those who represent us in the Congress of the United States. There, the committee think, with a general expression of the sense of the Legislature, it ought and may with safety be left. It would, doubtless, be competent for the Legislature to give explicit advice and instruction to their representatives upon the subject, but from the obvious superiority in position of our representatives in Congress, to take a better view of the whole ground than that which is possessed by us, and from the great extent to which the question as to the most proper time for action, as well as the particular provisions which ought to be made, are dependent on facts and details, of which it is impossible that we can be as capable of judging as they are, the committee think the Legislature will best consult their duty and the interests of all, by confining themselves, at this time, to the general expression of opinion which is now most respectfully proposed.

If by a faithful adherence to the principles here advanced in their behalf, the people of this State can contribute to the restoration and preservation of that fraternal affection in which the Union was originally founded, by which it was once cemented, and which is so essential to its preservation, it will be to them a source of much joy and deep gratitude to the Supreme Disposer of events, for the agency they have been permitted to exercise in effecting so great a good. But if, on the contrary, their well-meant efforts prove unavailing; if the offerings of peace and good will which have been so freely and so sincerely tendered by them, in conjunction with their co-States who participate in the same sentiments, shall be rejected; if in the providence of God it be decreed that this Government and this happy Union, the affairs of which have been hitherto so successfully directed by it, are to be put to the final test, the government and people of this State will meet the crisis with the sustaining conciousness, that they have done all that duty enjoined

and honor permitted to avert the worst calamity that could befal the country.

The committee respectfully suggest, for the consideration of the Legislature, the following resolutions:

RESOLUTIONS.

STATE OF NEW-YORK.

IN SENATE, February 16th, 1833.

Resolved, (if the Assembly concur,) That we approve of the general views and conclusions of the preceding report.

Resolved, (if the Assembly concur,) That we regard the Union of these States as indispensible to their prosperity and happiness; that we participate fully in the desire which has been manifested by the President to restore harmony and conciliate affection amongst all the people of the United States, by a seasonable and equitable modification of the Tariff, adapting it to the present condition of the country, that we approve the measures he has adopted and recommeded to sustain the authority and execute the laws of the United States; and that the government and people of this State will cordially co-operate with him in the exercise of all the means which may be necessary and proper to secure those objects.

Resolved, (if the Assembly concur.) That we regard the right of a single State to make void within its limits the laws of the United States, as set forth in the Ordinance of South Carolina, as wholly unauthorised by the Constitution of the United States, and in its tendency subversive of the Union and the Government thereof.

Resolved, (if the Assembly concur,) That we do dissent from the doctrine, that a single State has a right to withdraw itself from the Union against the wishes of its co-States, whenever in its sole judgment the acts of the Federal Government shall be such as to justify the step.

Resolved, (if the Assembly concur,) That the Governor be requested to transmit a copy of the foregoing report and resolutions to the Executive of the State of South Carolina, and to the Exectives of the other States respectively, to the end that they may be communicated to the Legislatures thereof, and also a copy of the same to the President of the United States, and to each of our Senators and Representatives in Congress.

By order,

J. F. BACON,

Clerk of the Senate.

STATE OF NEW-YORK.

In Assembly, February 23d, 1833.

Resolved, That this house do concur with the Senate, in their said resolutions.

By order,

FRANCIS SEGER,

Clerk of the Assembly.

MASSACHUSETTS.

Report of the special joint committee on the Message of the Governor of January 19—transmitting Resolutions of South Carolina proposing a Convention of the People to revise the Constitution of the United States.

EXECUTIVE DEPARTMENT.

CHARLESTON, SOUTH CAROLINA, January 5th, 1833.

SIR,

I have the honor to transmit the annexed Resolutions, passed by both branches of the Legislature of South Carolina, with a request that the same may be laid before the Legislature of your State.

With high consideration, I am,
Very respectfully, your ob't. serv't.
ROB. Y. HAYNE.

To His Excellency

The Governor of Massachusetts.

IN THE SENATE, 13th December, 1832.

The Committee on Federal Relations, to whom was referred that portion of the Governor's Message, No. 3, which relates to the call of a Convention of the States, respectfully Report the following Preamble and Resolutions.

WHEREAS, serious causes of discontent do exist among the States of this Union, from the exercise, by Congress, of powers not conferred, or contemplated, by the Sovereign Parties to the Compact, therefore,

Resolved, That it is expedient that a Convention of the States be called as early as practicable to consider and determine such questions of disputed power, as have arisen between the States of this Confederacy and the General Government.

Resolved, That the Governor be requested to transmit copies of this Preamble and Resolutions to the Governors of the several States, with a request that the same be laid before the Legislatures of their respective States, and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

Resolved, That the Senate do agree.

Ordered, to the House of Representatives for concurrence.

IN THE SENATE, 19th December, 1832.

The House of Representatives returned, with their concurrence, the Report of the Committee on Federal Relations, on that portion of the Governor's Message, No. 3, which relates to the call of a Convention of the States.

A true copy from the Journals.

JACOB WARLEY,

Clerk of the Senate.

Commonwealth of Massachusetts.

IN SENATE, Feb. 1833.

The Special Joint Committee, to whom was referred, among other things, that portion of his Excellency the Goveror's Message, relating to the subject of the preamble, and resolutions of the Legislature of South Carolina, proposing that a "convention of the states should be called, as early as practicable, to consider and determine such questions of disputed power as have arisen between the states of this confederacy, and the general government" have had the same under consideration, and respectfully submit the following REPORT in

part.

Upon the first presentment of the resolutions in question, taken in connexion with the matter contained in the preamble, with which they are introduced, your committee are considerably at a loss to determine what should be regarded as being their precise scope and object. The question occurred to them whether it was the intention of the Legislature of South Carolina to invite a Convenof the Statas, with a view to certain specific amendments of the constitution of the general government, in conformity with the provisions in the fith article of that instrument, or assume the novel and extraordinary ground that such a convention was necessary, or expedient for the purpose, merely, of considering, and determining, in their sovereign capacity, certain questions of disputed power, which are supposed to exist between that state, more particularly, and the government of the union.

With reference to this point, the committee were naturally led in the first place, to a consideration of the very unusual manner, (in case an amendment of the constitution, in conformity with the article alluded to were alone contemplated) in which the proposition is sub-

mitted to the Legislature of Massachusetts.

Since the first organization of the federal government, it has, as the committee believe, been the uniform practice of the legislature of a state, whenever it has proposed to bring any amendment or change in the constitution of that government by a convention of the states, to specify, in their application to other states, for co-operation and support in such a measure, the precise points wherein the existing provisions of the system were supposed to be doubtful or insufficient, and the nature and extent of the correction proposed to be applied. This form of application, which, whether prescribed or not by the terms of the article before referred to, would seem to be such as the nature of the case requires, appears, nevertheless, to have been not inadvertently, but studiously, avoided by the Le-

gislature of South Carolina on the present occasion.

In another particular, the novelty of the proposition now submitted to this legislature, not as respects its form only, but its matter and substance is not less conspicuous. It is not proposed that a convention should be called, with a view to any particular amendment, or even, in general terms, to a revision of the constitution of the general government, but that it should take upon itself, when assembled, in a manner wholly unknown in any existing provision of the federal compact, the office of umpire, and sit in judgment on certain disputes which are alleged to exist between a state or states and the nation. It is believed by your committee, that, with the exception of one solitary case of an analogous description, to which they may hereafter have occasion to advert, for another purpose, but which, considering the time of its occurrence, and the fate that awaited it, they can hardly suppose would be relied upon as affording the authority of a precedent, the proposition now submitted is entirely unexplained in the history of this government.

It is, at any rate, most manifest, that, if assented to by the states, it would necessarily be attended with the most fatal consequences to the union. If the principle be sanctioned that, whenever a single member of this confederacy, conceiving itself aggrieved by any, even a questionable measure of the general goverment, shall be permitted, first, to resist the measure, and then to summon a convention of the whole, in order to consider and determine the matter in dispute, it is easy to foresee what utter degradation of all the regular authorities of the government, what scenes of anarchy and disorder throughout the land must inevitably and speedily ensue. But it appears to your committee, that the proposition, in itself, is not more extraordinary than is the sweeping assertion with which it is prefaced, and which seems, indeed, to constitute the only grounds upon which it is predicated. In the preamble to the resolutions in question, it is declared "that serious causes of discontent do exist among the states of this union, from the exercise by Congress, of powers not

conferred or contemplated by the sovereign parties to the compact."-The committee will not trust themselves to express, in terms such as their feelings might prompt them to employ on the occasion, the surprise, as well as the regret they have experienced at meeting with a solemn, deliberate announcement like this, from the legislative body of a respectable member of this union. Nor will they stop to consider, how far, under almost any imaginable circumstances, it is consistent with that courtesy and comity, to say nothing of respect and confidence, which the constituted authorities of the different states have hitherto been accustomed to manifest in their intercourse with one another, and with the several departments of the general government. In the view of your committee, the position here assumed, for it is unaccompanied by any reserve, or qualification whatsoever, amounts in fact to nothing less than this, that both branches of the legislative department of this nation, including of course the chief executive, who must have sanctioned their proceedings, have manifestly been guilty of a dereliction of duty, palpable abuse of power, while in the pretended exercise of

their official functions. An imputation of so grave and serious a nature is not indeed in so many words pronounced against them, but as much as this is clearly implied by the whole tenor of the document alluded to .-If, according to the naked assertion of the preamble, which is wholly unaccompanied by any allowance for a possible error of judgment, the Congress of the United States have, on any occasion, been found to have exercised "powers not conferred nor even contemplated by the parties to the federal compact," the inference would seem to follow, of course, for all acts of a legislative body must be supposed to have been the result of deliberation, that the outrage was perpetrated knowingly, intentionally. Indeed, the committe have been reluctantly led to the conclusion, especially, when taking into view the present communication from the legislature of South Carolina, in connection with the extraordinary measures antecedently adopted, and still maintained by a majority of the people of that state, in their convention, and in their halls of legislation, that it was, in reality, their deliberate intention to pronounce a sentence not less serious and severe, than that before supposed, against the legislative authorities of the general government. It is, as your committee, from a due consideration of all the circumstances of the case are constrained to believe, principally, with a view to the confirmation or the reversal of this sentence, that the invitation is now given to Massachusetts, to unite in summoning a Convention of the States. In this connection, it may be useful to notice, very briefly, the grounds on which, not the leading politicians only, but the high functionaries in the government of South Carolina, have attempted to justify the extraordinary proceedings that have been adverted to. It has been promulgated as one of

the first and fundamental principles in their new theory of the federal government, that not one jot or title of the sovereignty of any state was surrendered or compromised, in any manner, at the formation of the union. That a state has a right of course, to be its own interpreter of the laws of the general government, and to be the judge in the last resort, of their validity. That, whenever a state, in its sovereign capacity, shall be pleased to pronounce that the Congress of the United States have, in regard to any of their enactments, transcended the authority delegated to them by the Constitution, all such acts must thenceforth so far, at least, as concerns the citizens of such state, be considered as utterly void and ineffectual. Furthermore, it is contended, that a declaration, of the kind above mentioned, is not only binding upon all within the jurisdiction of the disaffected state, but conclusive also, for the time being at least, against all the authorities of the general government. From this novel and most extravagant doctrine, it results as a consequence, that an act of the highest legislative authority of this nation, whatever may be its scope or object, or however urgent in reference either to the foreign or internal affairs of the whole people, may have been the cause of its adoption, must, when thus brought into question, remain as it were in obeyance, at the commandment of a single state. In other words, that the vast and complicated machinery of the national government shall be made to stand still, until a grand convention of twenty-four independent, contending sovereignties, if so many should be pleased to assemble on the occasion, shall have considered and determined the question of its validity.

Such, in substance, appears to be the theory of reform which has recently been promulgated, and is still maintained by the constituted authorities of South Carolina; and your committee is constrained to believe that it is, with a reference to this system, and to a consummation of the very extraordinary course of procedure, therein contemplated, that the proposition for a Convention of the States is now submitted to their Legislature. The Committee conceive that it would be a very useless appropriation of time, especially, as the whole subject matter involved in the late extraordinary proceedings of South Carolina, is already, entirely familiar to the community, were they to proceed any farther, on a course of reasoning, in order to demonstrate the utter fallacy, and impracticability of the doctrines, here adverted to; or to dwell, longer, in contemplating the consequences in which, should they be sustained, they must naturally, and necessarily involve the peace, and safety of the Union. Their tendency, it is conceived, is quite too obvious to require, or even to admit of argument, or illustration. They, manifestly, go to resolve at once, our present glorious system of National Government into its original elements, and would leave, not for the present generation, but for posterity, the fearful, if not, utterly hopeless

task, of building some frail, and miserable fabric upon its ru-

ins. In fine, your committee are unanimously of the opinion, that upon any such grounds, or for any such reasons as those which are set forth in the said Preamble and Resolutions, according to the construction thus given to them, it would be wholly, inconsistent with the honor, and the dignity of this Commonwealth to accede to the call of a Convention of the States, for the purposes therein specified.

But, secondly, in case your Committee have been so unfortunate in regard to the before-mentioned particulars, as to have misinterpreted the import, and intent of the Communication from the Legislature of South Carolina; if, contrary to the construction, now assumed, its real intention was to invite the co-operation of Massachusetts in the call of a Convention of the States with a view to some legitimate amendment of the Constitution, in conformity with the existing provisions of the instrument, the Committee are, nevertherless, entirely, agreed in the opinion, that there are, in truth, and, in fact, no such causes existing, as would justify, even for such a purpose (especially, during the present, irretable state of feeling among the people of several States of the Union) a resort to a measure so unusual, and extraordinary. Unless some one or two discontented States in this Union should, by reason of their pre-eminence in virtue, and patriotism, be considered as justly entitled to the distinguishing appellation of "the States of this Union," the Committee cannot assent to the position which is laid down in the sweeping language of the Preamble to the Resolutions from South Carolina, that there are, in fact, existing, serious causes, or any just causes whatever, whether serious or trivial, of discontent, among "the States of this Union; much less, are the Committee prepared to sanction the yet more extravagant assertion, that if discontents of any kind, or to any extent, do, in fact, exist, "they have arisen from the exercise, by Congress, of powers not conferred, or contemplated, by the sovereign parties to the Federal Compact."

It is, indeed true, that within the period of the last two or three years, one of the States of this Union has seen fit to proclaim aloud, throughout the land, her displeasure on account of certain promin-

ent measures of the General Government.

She has been pleased to assign, as the cause of the discontent, that the highest legislative authority of the nation had assumed to itself the exercise of unwarrantable, and exorbitant power; and, on this groud, has, at length, placed herself in the attitude of open defiance of the Constitution and the laws of the land.

It is not less true, however, that whatever of sympathy or commiseration may have been expressed or felt, by any, for the errors and delusion of a much beloved, but wayward associate in the political family, not a single other State in this Union is united with

her in sentiment, either as to the legal grounds of her complaint, or the propriety of the measures to which she has seen fit to resort for redress. On the contrary, in relation to both the one and the other, the voice of rearly the whole people, in their primary assemblages, in their halls of legislation, and every where throughout the land, has been heard, in a tone not of expostulation only, but of severe censure and reproof, to pronounce its decision against her.

In the opinion of your Committee, a convention of the States cannot now be necessary to consider the validity of that decision, or to add any new provisions to those already existing in the Federal compact, with the view of preventing a recurrence of sim-

ilar discontents among the States, in future.

It is now nearly half a century since the present admirable system of Government first came from the hands of the illustrious statesmen and patriots by whom it was framed. Its theory, conceived as it would now seem to have been, almost by the power of superhuman intelligence, has been found, in experiment, in its wonderful adaptation to all the various and complicated concerns of this great and growing nation, not only to have equalled, but greatly to have transcended, the most sanguine hopes and expectations of the

country.

In peace and in war; throughout all the trials and vicissitudes to which the nations, as well as individuals, in this imperfect state of being are necessarily subjected, its original principles, as they were at first established and understood by the people, have, to this day, remained without essential change or variation-unpoluted, undisturbed. Indeed, the members of the Committee are solemply impressed with the conviction, that next to the superintending agency of a wise and beneficent Providence which seems from the first to have watched over the destinies of this much favoured people, it is to this same system of civil Government, and to the mild, but firm and undeviating manner in which its principles have. for the most part, been maintained and administered, that we are chiefly indebted for the general, nay, almost universal prosperity which is now seen and felt in every part of this wide spread nation. It is this, as they verily believe, which, under the smiles of Heaven, has been the means of elevating these States from their once confused and imbecile condition, to that distinguished station which they now occupy among the proudest and most powerful nations of the world.

In the Constitution of a Government framed with such wisdom, which has been thus tried and proved, and found to have been attended with such happy results, it surely would not be the part of prudence or good policy to attempt, on any light occasion, or indeed in any case but one of the most imperious and urgent necessity, a fundamental change of any kind. It is the opinion of your Com-

SEN.

Nor do the Committee believe that a revision of the Federal Constitution, by a Convention of the States, would at this time be useful, much less that it can be necessary, as has of late been some times alleged, or *pretended*, with a view to some more clear and exact definition than is to be found in the existing provisions of that instrument, in relation either to the legitimate boundaries of jurisdiction between the General and the State Governments, or to any of the powers or immunities which these high parties respectively

have hitherto been accustomed to claim or enjoy.

It was not unforeseen by the illustrious framers of the Federal compact, nor by the intelligent people who adopted it, that in the very nature of things, such "questions of disputed power," (to use the language of the South Carolina resolutions,) would be likely to arise in the course of its operation. They were doubtless well aware also, that it was not the power of any human wisdom or forecast, or indeed of any thing less than the intelligence which belongs alone to the Omniscient, to devise a system of Government for a nation like this, that should be forever exempt from such doubts and exceptions as the ingenuity or ambition of men might suggest, especially in times of party zeal or excitement. Differences of this kind in political opinion, and the collisions which some times spring from them, should be regarded as the natural, perhaps necessary incidents of all free institutions; as constituting in fact that portion of alloy which, by the ordination of Providence, seems to have been mingled with all our best comforts and blessings, and without which we could not have been permitted to enjoy the blessing of civil liberty, which is more precious in our estimation than all others.

But it is believed that the testimony of all history will demon strate that such difficulties have been of less frequent occurrence, and attended with much less serious consequences in this, than in any other Government partaking in any degree of the republican form, which has existed on the face of the earth. It was, at any rate, precisely with a reference to these natural and necessary consequences of the freedom of all our political institutions, that the grand conservative principle, which is found in the Judiciary department, was deeply implanted in the system; that a high tribunal was appointed to stand, as it were, by the very tenure of its office, as well as by the peculiarity of its attributes in other respects, separate and distinct from all other departments of the Government. That to this tribunal was confided the great business of interpreting the Constitution and the laws, and of performing the high office of arbiter, in the last resort, of

more than a tribute justly due to the character and conduct of this distinguished tribunal, as well as to the wisdom and forecast of the illustrious statesmen who provided for its organization, to pronounce that it has hitherto fulfilled most faithfully effectually, the great

purposes of its appointment.

It must be admitted, indeed, that, in the course of a series of years, during which the system has been in operation, a few isolaled instances of insubordination, not only, among considerable masses of citizens, but extending, even, to the constituted authorities of whole States, have been known to exist, which seemed, at first, too mighty to be controuled by the mild, and peaceable operation of the principle alluded to; but happily, for the peace, and honor of the country, the Constitution and the laws have hitherto in all such cases, eventually triumphed. The Committee, here, feel a degree of pride as well as pleasure, from having an opportunity to unite their humble voice with that of the late distinguished Commentator, who had, perhaps, as much to do, as any other mortal now living or dead, in the original formation, and subsequent administration of our present system of government, in the declaration that, with few exceptions, the course of the Judiciary has, hitherto, been sanctioned by the predominant sense of the nation.

If, in relation to this particular branch of the subject, any thing further were wanting in confirmation of the opinions which are entertained by every member of the Committee, they would beg leave to invoke to their aid, and indeed to adopt as their own, the sentiments that were, once expressed by the Authorities of another leading State of this Union in a case corresponding, essentially, in its character, and, in fact almost entirely analogous, in its circumstances, to that which is now, presented for consideration.

The Committee, here, allude to the proceedings of the Legislature of Virginia, some thirty years ago, when a proposition was submitted to them by the Government of a neighboring State, then, the largest, and most influential member of the confederacy, for an amendment of the Constitution of the United States, by providing for "the appointment of an impartial tribunal to decide disputes between the State, and Federal Judiciary;" in other words, a tribunal, in relation to which, the one, now established by the Constitution, should become, a mere Subordinate, and Dependent. It would be foreign from the purpose of the present inquiry, and serve, only, to revive the remembrance of scenes, which, for the honor of the country, should, rather, be permitted to pass, silently to oblivion, and, if possible, be obliterated from the history of this government, were the Committee to attempt a detail of the reasons, or rather, pretexts which were urged as the grounds of this extraordinary, and, at that time, wholly, unprecedented proposal, on the part of the great State that has been alluded to.

It is sufficient for us to know, that it was in a case in which the

all questions "of disputed power" that might arise in the course of their administration. It is, in the opinion of the Committee, no highest Authorities of one of the States of this Union were seen in hostile array, on the very verge of open insurrection, against the Judicial power of the nation; and which, but for a returning consciousness of error, and delusion, on the one side, and a firm, undeviating perseverance in the execution of its high duties, on the other, must inevitably, have involved the country in all the complicated horrors of civil war.

But, happily, for the nation, the pretentions, and the project of the disaffected State received no countenance from the State of Virginia. Her response, on the occasion, was precisely, such as might, reasonably, have been anticipated from the ntelligence, and pure patriotism of such men, as are known to have presided, at that day, in the councils of that, much distingushed Commonwealth.

"It was, among other things, unanimously, resolved by both Branches of their Legislature that, in their opinion, there was a Tribunal already, provided, by the Constitution of the United States, to wit, the Supreme Court, more eminently qualified, from their habits, and duties, from the mode of their selection, and from the tenure of their office, to decide the disputes aforesaid, in an enlightened, and impartial manner than any other Tribunal which could be erected."

Such, to the vey letter, was the magnanimous declaration of Virginia, when, by reason of an unpopular, Judicial decision, (in the celebrated Olmstead case of Pennsylvania) she was invited to cooperate in an attempt to break up the existing foundations of the Judiciary Department of our Government. The example thus presented to us is worthy of all praise, and of imitation; and it surely, is of not of the less authority, from the circumstance of being holden up to us, by a member of this Union, which, whatever may, at any time, have been said, or thought of its political character, in other respects, has, it is believed, never been suspected of any deficiency of zeal, or devotedness to the cause of State rights, or the protection of its own dignity, and sovereignty.

The Committee will not attempt, by any further commentary of their own, to give this precedent, additional strength or weight. In fine, upon a mature and deliberate consideration of the whole subject submitted to them the Committee of the consideration of the whole

subject submitted to them, the Committee have, unanimously, agreed to recommend to this Legislature, the adoption of the fol-fowing Resolves.

For the Committee.

GEORGE BLAKE.

RESOLVES.

Whereas, the Governor of the State of South Carolina did by his communication, under date the fifth day of January last past transmit to His Excellency the Governor of this Commonwealth copies of a certain preamble, and resolutions connected therewith, recently passed by both branches of the Legilature of the said first mentioned States, with a request that the same might be laid before the Legislature of this Commonwealth; in which said preamble and resolutions, it is set forth that "serious causes of discontent do exist among the States of this Union, from the exercise, by Congress, of powers not conferred or contemplated by the sovereign parties to the compact; and resolving, therefore, that it is expedient that a convention of the states be called, as early as practicable, to consider and determine such questions of disputed power as have arisen between the state of this confederacy, and the general government."

AND WHEREAS, His Excellency the Governor of this Commonwealth hath, in pursuance of the said request submitted to the consideration of this Legislature, the preamble and resolutions aforesaid: Therefore

- 1. Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts, in General Court assembled, That the Legislature of this Commonwealth do not recognise the existence, at this time, of any serious causes of discontent, among the States generally, of this Union, or in any one of them; much less, can they admit that, if any such discontents do, in fact, exist, they have arisen from the exercise by Congress of powers not conferred or contemplated by the sovereign parties to the compact, as is asserted in the before mentioned communication from the Legislature of South Carolina.
- 2. Resolved, That there is already existing under the Constitution of the United States, a proper and competent tribunal, namely, the Supreme Court of the United States, who are invested with sufficient power, and authority; who are, eminently, qualified, and to whom it constitutionally belongs, to consider and determine "the questions of disputed power," and all other matters of controversy which are referred to in the said preamble an resolutions: Therefore
- 3. Resolved, That the Legislature of this Commonwealth do not accede to the proposition of calling a convention of the States for the purposes therein expressed, or for any other purpose whatsoever.
- 4. Resolved, That His Excellency the Governor be requested to transmit a copy of these resolves, together with the report which accompanies them, to the President of the United States, the Gov-

ernors of all the States, and to each of the Senators and Representatives of this Commonwealth in Congress.

IN SENATE, March 16, 1833.

Read twice and passed.

Sent down for concurrence.

B. T. PICKMAN, President.

House of Representatives, March 18, 1833. Read twice and passed in concurrence.

W. B. CALHOUN, Speaker.

March 18, 1833.

Approved.

LEVI LINCOLN.

A Copy, Attest.

EDWARD D. BANGS, Secretary of the Commonwealth.

MARYLAND.

By THE HOUSE OF DELEGATES,

February 9, 1833.

The joint committee, to whom was referred the Ordinance and other documents, transmitted us by the Governor of South Carolina, and that part of our late Governor's message, relating thereto, have given the subject that attention which its serious import demands, and report the following:

Resolved by the General Assembly of Maryland, That in expressing our opinion upon the ordinance of nullification, and the recent proceedings of South Carolina, it is our duty to declare our opinions firmly on the principles assailed, and to expostulate mildly and

affectionately with her.

Resolved, That we hold these principles to be incontrovertible, that the government of the United States was adopted by the people of the different states, and established in order to form a more perfect Union, establish justice, ensure domestic tranquillity, "provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," that it possesses all the powers necessary for the purposes for which it was instituted, that it is irreconcilable with the objects and purposes for which the constitution was adopted, to suppose that it contains in itself the principles of its own destruction, or has failed to endue the government, created by it with the essential power of self-preservation.

That it is not in the power of any one state to annul an act of

the general government as void, or unconstitutional.

That the power of deciding controversies among the different states, or between the general government, and a state, is reposed in the federal judiciary, and that it is an act of usurpation for any state to arrogate to herself jurisdiction in such cases.

That the Supreme Court is the only tribunal, having conclusive jurisdiction in cases involving the constitutionality of the acts of the

general government.

That whenever a state is aggrieved by the constitutional acts of the general government, the fifth article of the constitution prescribes the remedy, declaring that "the Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislatures of two-thirds of the several states shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by a conventions, in three fourths thereof, as the one or the other mode of ratification may be proposed by Congress."

That the right to annul a law of the general government, assumed by one state, is "incompatible with the existence of the Union, contradicted expressly by the letter of the constitution, unauthorised by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed."

That our fellow citizens of South Carolina, who remain faithful to the constitution and laws of the United States, are entitled to the protection of the general government, both for their property and their persons.

That if any state, regardless of the constitutional remedies which are afforded for every grievance and oppression, should attempt to withdraw from the Union, it is the right and duty of the general government, to protect itself, and the other states from the fatal con-

sequences of any such attempt.

Further Resolved, That the Ordinance of nullification of South Carolina is calculated to mislead her citizens from the true character of federal government, and the just allegiance, which they owe to

that government.

Resolved, That this state is ardently attached to the Union, that it does not desire any additional powers to be conferred on the general government, but wishes every delegated power to be exerted, that has a tendency to strengthen the bonds that unite us, and to fortify the hope that the Union will be perpetual.

Resolved, That this state does not recognise the power in any state, to nullify a law of Congress, nor to secede from the Union, and that it will sustain the general government in the exercise of every constitutional means to preserve unimpaired the integrity of

the United States.

Resolved, That our mutual interests and general welfare impel us

to guard with care, the integrity of the constitution, and to appeal in the most solemn and affectionate manner to the other states, and particularly to South Carolina, to reciprocate with this state, its well founded attachment to the Union, and to oppose, with becoming firmness, every infraction of those great and fundamental principles of the constitution, which form the only basis on which our

happy institutions can with safety repose.

Resolved, That we deeply deplore the excitement which has prompted our sister state of South Carolina to the attitude of defiance, which she now exhibits; that however extravagant her irritation may be deemed, or impatient her proceedings, we will not renounce the hope that a calmer feeling will yet enable her to see the dreadful consequences of repelling the laws of the Union.—
That, conspicuous and persevering as her valor was in achieving the great results which gave birth to our Union, she will yet remember the glory of her early toils, and will offer up, in the sanctuary of the Union, her ordinance and her consequent laws, a patriotic sacrifice to the cause of American liberty and Union.

Resolved, That the tarifflaws of 1828, and of 1832, are within the legitimate exercise of the constitutional powers of congress, but we will acquiesce with pleasure, in any modification of those laws which the wisdom of congress may devise for allaying the excitement on that subject, in the Southern portion of our country, which shall reduce the amount of revenue to the necessary expenditures of the government, and at the same time sufficiently guard those great interests which have grown up under the system of protection.

Resolved, That the following words from Washington's Farewell Address, should at all times, but particularly at the present alarming crisis, be impressed upon the heart of every American: "The unity of government, which constitutes you one people, is also now dear to you, it is justly so, for it is a main pillar of the edifice of your real independence. The support of your tranquility at home, your peace abroad; of your safety, of your prosperity, of that very

liberty which you so highly prize."

"It is of infinite moment that you should properly estimate the immense value of your National Union, to your collective and individual happiness, that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as the palladium of your political safety and prosperity, watching for its preservation with jealous anxiety, discountenancing whatever may suggest even a suspicion that it can, in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

Resolved, That the governor be requested to transmit a copy of the above resolutions, to the President of the United States, to the

executives of the several states, and to each of our senators and representatives in congress.

By order,

G. G. BREWER, Clk.

By the Senate, Feb. 26, 1833. Read and assented to.

JOS: H. NICHOLSON, Clk.

STATE OF NEW-JERSEY,

EXECUTIVE DEPARTMENT,
Trenton, Feb. 19, 1833.

SIR,

I have the honor to transmit to your Excellency, Preamble and Resolutions, recently passed by the Legislative Council and General Assembly of this State—and am, very respectfully, &c. &c. &c.

SAM'L. L. SOUTHARD.

To His Excellency, the Governor Of the State of Kentucky.

STATE OF NEW-JERSEY.

WHEREAS the people of the State of South Carolina, in Convention assembled, have, by an ordinance, dated 24th of November, eighteen hundred and thirty-two, declared and ordained that the several acts and parts of acts of the Congress of these United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, are unauthorized by the constitution, violate the true intent and meaning thereof, and are null and void and not binding upon the said state, its officers or citizens, have proclaimed their determination to enforce said ordinance at every hazard, denied the authority of the general government to enforce the revenue laws within the said State of South Carolina, and transmitted a copy of such ordinance, together with an appeal to the people of the United States, to the Executive of this State: AND WHEREAS the high obligations we owe to our common country, as a member of this great confederacy, as well as the due preservation of the inestimable privileges we enjoy under this free and happy government, secured by the toils and cemented by the blood of our common ancestors, has rendered it an imperative duty to proclaim our opinions upon this important subject-Therefore, in the name and in behalf of the people of the State of New-Jersey, and as their legal representatives,

1. Be it resolved, by the Council and General Assembly of said State, That the Constitution adopted and sanctioned by the people of these United States, as well as our early history, our common interest, our habits, our intercourse, our love of freedom, the honor, strength and durability of our country, proclaim that all the States of this Union make one indivisable nation, united in prosperity and adversity, in peace as in war, by the sacred and indissoluble bond of their Union.

2. Resolved, That we deprecate the acts and proceedings of our brethren of the State of South Carolina, as opposed to the fundamental principles upon which the government of these United States is based, as violating the spirit and meaning of the Federal Constitution, and tending to rend asunder those ties of common interest and fraternal regard, of mutual dependence and reciprocal obligation, which are alike our pride, our glory and our strength, and

which have proclaimed us to the world a United People.

3. Resolved, That when South Carolina, together with all the other States, acceded to this Union, and adopted the Constitution, she and they became thereby irrevocably bound that all controversy upon the Constitutionality of an act of Congress, should be finally adjudicated by the Supreme Court of these United States. The sacred charter of our liberties never contemplated that each state had reserved to itself an ultimate appeal to its own citizens

in their sovereign capacity.

4. Resolved, That the manufactures of America, are one of the elements of our independence and greatness; not oppressing, but advancing hand in hand with agriculture and commerce. These three sources of National prosperity, demand equally the fostering protection of Government; to crush either would be to paralyse all; and to the General Government, alone, standing on an elevation to survey the whole ground, belongs the information, the wisdom, and the power to apportion just patronage wherever circum-

stances may require.

5. Resolved, That the Constitution of the United States, now contains within itself, an ample provision for its amendment, and for the remedy of every evil which may arise from unforseen events, or ambiguous construction. When this provision shall be legally called into operation, we shall be prompt to concede all to justice, much to fraternal feeling, and somewhat even to local excitement and mistaken enthusiasm. But it cannot comport either with dignity or sound policy to yield aught in the face of threatened disunion and an armed resistance to the laws.

6. Resolved, That the principles contained in the proclamation, and late message of the President of the United States, meet our entire approbation; and that we will sustain the Chief Magistrate of the Union in the constitutional enforcement of these principles.

ples.

7. Resolved, That we implore our fellow citizens of South Carolina, allied as they are to us, by all the heart stirring and inspiriting recollections of the eventful struggle that made us an independent nation, maturely to ponder over the present crisis in their affairs, and magnanimously to return to more temperate counsels, and a juster sense of that obedience to the general will which constitutes the lasting security, and should be the glory and the ornament of every member of this confederacy. But should our fellow-citizens of South Carolina, contrary to our reasonable expectations, unsheath the sword, it becomes our solemn and imperative duty to declare, that no separate nation ought or can be suffered to intrude into the very centre of our Territory.

8. Resolved, That the Governor be requested to transmit a copy of these resolutions to the President of the United States, to each Senator and Representative in Congress, from this State, and to

the Governors of the respective States of the Union.

House of Assembly, February 18th, 1833.

These re-engrossed joint resolutions having been three times read in the House of Assembly,

Resolved, That the same do pass. By order of the House.

JOHN P. JACKSON, Speaker of Assembly.

In Council, February 18th, 1833.

These re-engrossed joint resolutions having been three times read in the Council and compared,

Resolved, That the same do pass.

By order of the Council.

ELIAS P. SEELEY, Vice President.

I, James D. Westcott, Secretary of the State of New-Jersey, do certify, that the foregoing is a true copy of the joint resolutions of the Legislative Council and General Assembly of the State of New-Jersey, passed February 18th, A. D. one thousand eight hundred and thirty-three, as compared with the original, now remaining on file in my office.

[SEAL.] In testimony whereof, I have hereunto set my hand and affixed the seal of my said office, at the city of Trenton, in said State, this 18th day of February, A. D. one thousand eight hundred and thirty-three.

JAMES D. WESTCOTT.

DELAWARE.

REPORT of the committee in the Senate of the State of Delaware, on the Ordinance of the State of South Carolina, Nullifying certain Laws of Congress.

EXTRACT FROM THE JOURNAL OF THE SENATE, Wednesday, January 2, 1833.

"On motion of Mr. Bayard,

"So much of the Governor's message as refers to the communication from the state of South Carolina, was referred to a committee of three members—Whereupon, Messrs. Bayard, Wainright and Rodney were appointed such committee."

The members of the committee, are Messrs. Richard H. Bayard, Thomas Wainright, and Henry F. Rodney.

MR. BAYARD,

From the Committee to whom was referred, so much of the Governor's message, as relates to the Communication from the Governor of the State of South Carolina, made the following Report; January 7, 1833.

The Committee to whom was referred so much of the Governor's message as relates to the communication from the Governor of the State of South Carolina, respectfully submit the following REPORT:

The communication from the Governor of South Carolina is composed of documents ordered by a Convention of the people of that State held in November last, to be transmitted to the Governors of the several States for information of their respective Legislatures. These Documents consist of a Report of a committee of twenty-one to the Convention, on the subject of the several acts of Congress imposing duties for the protection of domestic manufactures, with the Ordinance to Nullify the same, an address to the people of that State, and an address to the people of the United States. Your committee have examined the papers with great care and with that respectful attention which is due to the source from which they emanate, but they cannot disguise their astonishment at the position assumed by the Convention and the arguments by which it is attempted to be sustained. The position taken by the Convention is, that they have a right to suspend the operation of certain acts of Congress within the limits of the State by declaring those acts null and void, on the ground of their supposed unconstitutionality. This extraordinary right is assumed not as a revolutionary measure, but as one that results from the nature of the compact, created by the Constitution, and as in perfect harmony with its principles. It becomes necessary therefore, to settle distinctly, the nature of that instrument, in order to decide the question of this right.

The ground taken by the Convention on this subject is "that the Federal Constitution is a treaty, a confederation, an alliance by which so many sovereign states agree to exercise their sovereign powers conjointly, upon certain objects of external concern, in which they are equally interested." That the Federal Government is the common agency of the sovereign States, and possesses no more inherent sovereignty than an incorporated town, that it is a mere political corporation, "and that it is the moral obligation alone which each state has chosen to impose on herself, and not the want of sovereignty" which restrains her from exercising all those powers which have been granted to the Federal Government. And this is declared by the Convention to be the true nature of the compact. The principle with which they set out, and upon which the whole doctrine is built, is thus laid down in the address to the people of the State-page 4. "The Constitution of the United States, as is admitted by cotemporaneous writers, is a compact between sovereign states." This is the corner stone of the whole system of Nullification. For if it be true that the Constitution is a mere treaty or compact between sovereign states, which now possess all the sovereignty they ever had, and among whom there can be no common arbiter, the rest of the doctrine follows as a matter of course. The question then arises, is this proposition true? Your committee conceive that it is false in both its branches. It is neither a compact between sovereign states, nor is so admitted to be, by cotemporaneous writers, at least of any credit.

The first and most natural source to look to, for the settlement of this question, is the instrument itself. Since it is apparent that it would be utterly useless to reduce an agreement or compact to writing, that it would be useless to establish a written constitution for any government or any people, if the crude notions and wild conceits of any individual may be substituted for the terms of the instrument. This is more particularly true with regard to such an instrument as the Constitution of the United States, which was the work in the first instance of a general convention from the different States, and was afterwards submitted to the conventions of the people in each of the States. So that not a word or letter, and certainly not a single principle contained in it can be supposed to have escaped the severest scrutiny, and the whole must therefore

have the highest sanction.

Upon opening that instrument, the first principle which presents itself is, that it purports to be the act of the American people.—
It is not stated to be a compact between New-Hampshire, Massachusetts, Rhode Island, and the other ten sovereign states, and which would have been the appropriate, and indeed the only preamble if the idea intended to be conveyed was, that of a compact or treaty between those sovereign states; but on the contrary, it is declared to be the act of the American people. The language is,

"We the people of the United States do ordain and establish this constitution for the United States of America." The principle here established is, that the government created by that constitution is the act of the people of the United States, and not the act of the States, as sovereignties. As this principle lies at the foundation of the whole system, it is impossible that it should have escaped the attention of the General Convention, and of the thirteen state conventions which passed upon it. They could not have been ignorant of, or inattentive to, the difference of the two principles involved in the question, whether the instrument to which they assented, was a constitution of government to be established by the people, or a treaty or compact between thirteen sovereign states. To suppose them ignorant, is to suppose them incompetent to their task, and to suppose them inattentive, is to suppose them culpably negligent of their duty. But we will show that they were neither

the one or the other.

The very first question, as might naturally be supposed, that presented itself to the General Convention was, whether the constitution they were about to form should be a compact among the states or the act of the people. The particular business of the convention was opened by Governor Randolph, who submitted to their consideration, on the 29th May, 1787, various resolutions, with a view to settle the principles on which they were to proceed. The first of those resolutions was in these words-"Resolved that the articles of confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defence, security of liberty and general welfare." Elliott's Debates, vol. 4, p. 41. Now, it must be recollected, that the articles of Confederation were in point of fact, and in terms, a compact between the different States as sovereignties. strument itself purports to be such, and is described in the preamble as "Articles of Confederation and perpetual union between the states of New-Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations," &c. As governor Randolph's proposition was merely to correct and enlarge those articles, if it had been adopted, the nature of the compact would have been the same, and it would have continued to stand on the footing of an agreement among the states as sovereignties. The very point now at issue was therefore brought at once, and directly before the Convention. On the same day the convention resolved to go into committee of the whole, on the state of the Union, and the propositions of governor Randolph were referred to that committee. On the following day, May 30th, these resolutions were taken up for consideraation, and the particular one in question being the first in order, was, on his own motion, postponed; and another offered likewise by him, was, after debatea, dopted as a substitute in the following words: "Resolved that a National Government ought to be established

consisting of a Supreme Legislative, Judiciary, and Executive."-On this question, six states, namely, Massachusetts, Pennsylvania, Delaware, Virginia, North Carolina and South Carolina voted in the affirmative; Connecticut voted in the negative, and New York was divided .- Elliott's Debates, vol. 4. p. 49. Mr. Yates, a member of the convention from New-York, who was opposed to the present constitution, and afterwards withdrew from the convention because he thought they were exceeding their powers, kept minutes of the debates while he was there, which are published in the 4th vol. of Elliott's debates, and has thus thrown much light on the questions that were agitated; and may be considered for that purpose, as of the highest authority. In his minutes of the debate on that day he observes, "this last resolve had its difficulties, the term supreme required explanation. It was asked whether it was intended to annihilate the State Governments? It was answered only so far as the powers intended to be granted to the new government should clash with the states, when the latter should yield."-Yales' Minutes, p. 50. It was thus decided that the articles of confederation should be laid aside and the principle of a compact among the States as sovereignties abandoned. Accordingly we find that on the 6th June following, when the fourth resolution offered by governor Randolph, was under consideration, which provided that the members of the first branch of the national Legislature should be elected by the people, a motion having been made to strike out the word "people" and substitute the word "Legislatures," of the several States, the motion was lost by a vote of eight states to three. In the debate on that point Mr. Madison is reported by Mr. Yates, to have observed "that when we agreed to the first resolve of having a national government, consisting of a Spreme Executive, Judicial and Legislative power, it was then it tended to operate to the exclusion of a Federal Government, and the more extensive we made the basis, the greater probability of duration, happiness and order."-Yates' Minutes, p. 63.

The first resolution was afterwards modified so as to read thus: "Resolved that the government of the United States ought to consist of a Supreme Legislative, Judiciary, and Executive." The reason for which is stated by Mr. Luther Martin, one of the delegates from Maryland, and a most determined opponent of the proposed system at the time, to have been that they were afraid that the word national might tend to alarm.—Yates' Minutes, p. 22.

The principle was thus, therefore, clearly established and remained unchanged, that the new government was not to be placed on the footing of a compact among the states as sovereigns; but was to emanate from the people and be established by their authority. On the twenty-third of July the resolution thus modified, was, together with the others which had been elaborated in the debate that had been carried on in the committee of the whole, referred

to a committee of five for the purpose of reporting a constitution. It is evident that the committee appointed for that purpose, were bound, in drafting the instrument, to preserve the fundamental principle. Accordingly, on the 6th of August, the committee reported the draught of a constitution, the preamble to which began in these words: "We the people of the states of New Hampshire, Massachusetts, &c. do ordain and establish the following constitution for the government of ourselves and our posterity."—Elliott's Debates, vol. 4, p. 116. The principle was here distinctly set forth, but as it might have afforded some room for cavil, and it was determined that there should not be a loop to hang a doubt upon, the prhaseology was changed, and that of the present constitution adopted, "We the people of the United States," &c. If it is possible for human language or for human conduct to express the intentions of the mind, nothing can be clearer than the intention of the General Convention on this point. If regard then be had to the instrumentitself, it is, and it purports to be, a constitution of government established by the people of the United States. For this purpose it was not at all necessary that they should be assembled in one body, in one place, or by one authority. It was sufficient for them to assemble in their respective states, at their usual places of election, and under the usual authority. When once assembled and they proceed to ratify the instrument, it became to all intents and purposes their act. Nor does it at all affect the question that it was provided, that the ratification of a certain number of the states should be necessary for its establishment. That was a mere condition which amounted to no more than a declaration, that the experiment was not worth the trial, unless such a portion of the people should concur. So far as this particular subject is concerned, the term states is a mere description of the people by classes, and is of no more moment in the argument than if the provision had been, that it should not take effect unless ratified by two millions of people, or by two hundred and forty counties, or one hundred districts. The provision was a condition precedent which ceased to be of importance the moment it was fulfilled.

The tenth amendment of the constitution which provides that "the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively orto the people," illustrates and confirms the view here taken of the character of the instrument and the source of its authority. But if in addition to this, the from of government be considered which deprives the states of almost all the essential rights of sovereignty, and makes them amenable to the tribunals of the United States' government, whose decisions are conclusive in relation to all controversies arising under the constitution and the laws of the United States, it becomes a matter of surprise that any doubt should

have been expressed on the subject.

It thus appears that the constitution is not a treaty or compact between sovereign states, and it remains to show that such was the opinion of cotemporaneous writers. Reference has already been made to the work of Mr. Yates who was a member of the convention from New York, and whose minutes of the debates are of the highest degree of authenticity, and which in the passage already cited, as well as in others, confirms the position taken by your committee. In the debate on the 29th June, the first clause of the seventh proposition being under consideration, which respected the suffrage of each state in the first branch of the legislature, Mr. Madison who is so much relied upon by the Carolina Convention as an authority, in the celebrated resolutions of 1798, expressed himself as follows, as reported by Mr. Yates: "Some gentlemen are afraid that the plan is not sufficiently national, while others apprehend that it is too much so. If this point of representation was once well fixed, we would come nearer to one another in sentiment .-The necessity would then be discovered of circumscribing more effectually the state governments, and enlarging the bounds of the general government. Some contend that states are sovereign, when in fact, they are only political societies. There is a gradation of power in all societies, from the lowest corporation to the highest sovereign. The states never possessed the essential rights of sover-Their voting as eignty. These were always vested in Congress. states in Congress, is no evidence of sovereignty. The state of Maryland voted by counties—did this make the counties sovereign? The states at present are only great corporations having the power of making by-laws, and these are effectual only if they are not con-The states ought to be tradictory to the general confederation. placed under the control of the general government. If the power is not immediately derived from the people, in proportion to their numbers, we may make a paper confederacy, but that will be all. We know the effects of the old eonfederation, and without a general government this will be like the former." Yates' Minutes, page 114.

In the debate on the 5th June, the last or 15th proposition of governor Randolph, being under consideration, which provided that the work of the convention should be submitted to assemblies of representatives to be chosen by the people expressly for that purpose. Mr. Yates reports that, "Mr. Madison endeavoured to enforce the necessity of this resolve, because the new national constitution ought to have the highest source of authority, at least, paramount to the powers of the respective constitutions of the states; points out the mischiefs that had arisen in the old confederation, which depends upon no higher authority than the confirmation of an ordinary act of a legislature."—Yates' Minutes, page 62.

Mr. Luther Martin, who was a delegate from the State of Maryland in the General Convention, and violently opposed to the new system at the time, in his report to the legislature of Maryland,

on the subject of the proceedings of the Convention, thus details the arguments used by himself and his friends: "It was urged that the government we were forming was not in reality a federal, but a national government, not founded on the principles of the preservation, but the abolition or consolidation of all state governments. That we appeared totally to have forgot the business for which we were sent, and the situation of the country for which we were preparing our system. That we had not been sent to form a government over the inhabitants of America, considered as individuals, that as individuals they were all subject to their respective state governments, which governments would still remain, though the federal government should be dissolved. That the system of government we were entrusted to prepare was a government over these thirteen states; but that in our proceedings we adopted principles which would be right and proper only on the supposition that there were no state governments at all, but that all the inhabitants of this extensive continent were in their individual capacity without government, and in a state of nature. That, accordingly, the system proposes the legislature to consist of two branches, the one to be drawn from the people at large, immediately in their individual capacity, the other to be chosen in a more select manner, as a check upon the first. It is in its very introduction, declared to be a compact between the people of the United States as individuals; and it is to be ratified by the people at large in their capacity as individuals; all which it was said would be quite right and proper, if there were no state governments, if all the people of this continent were in a state of nature and we were forming one national government for them as individuals, and it is nearly the same as was done in most of the States, when they formed their governments over the people who compose them."—Yates' Minutes, pages 19, 20. Notwithstanding these arguments the constitution was prepared and adopted on the principles which were thus proposed; and we have here the commentary of one of the ablest lawyers that this country ever produced, who was himself a member of the Convention. and opposed to the system upon that very instrument; and putting it beyond all doubt and controversy, that it was the design of the Convention to abandon the principle of a compact among the states as sovereigns and substitute for it, that of a government established by the people. The same view of the subject is presented in the Federalist, a work which was written at the time for the express purpose of explaining and recommending the new constitution, and which was the joint production of three of the ablest men of the day, and has been regarded and relied upon, both in and out of Congress, and even in the courts of justice, as presenting a most able authentic, and correct exposition of its principles. The conclusion of the twenty-second number in which some of the evils of the old confederation are pointed out is as follows: "It has not a

little contributed to the infirmities of the existing federal system, that it never had a ratification by the people. Resting on no better foundation than the consent of the several legislatures, it has been exposed to frequent and intricate questions concerning the validity of its powers; and has in some instances given birth to the enormous doctrine of the right of Legislative repeal. Owing its ratification to the law of a State, it has been contended that the same authority might repeal the law by which it was ratified. However gross a heresy it may be, to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has had respectable advocates. The possibility of a question of this nature, proves the necessity of laying the foundations of our national government deeper than in the mere sanction of delegated authority. The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority."

It is unnecessary to multiply quotations. The question is not under what name the government established by the constitution would be classed by political writers; whether it would be called a federal government or a national government, or a compound of the two; but simply from whom does it derive its powers? whether from the states as sovereigns, or from the people? It thus appears from the constitution itself, from the journal of the Convention, from the debates on its proceedings, from the reports of its enemies, and from the arguments of its friends, that the principle on which it was founded was, that it was to be a government emanating from, and established by the people. If any thing more were wanting to make assurance doubly sure, the ratification by the state of Virginia, where more opposition was experienced than in any other state, and more debate was had on the subject, the solemn act of ratification by that state recognizes the fact in so many words. It is as follows:

"We the delegates of the people of Virginia, &c. do, in the name and in behalf of the people of Virginia, declare and make known, that the powers granted under the Constitution being derived from the people of the United States; may be resumed by them, whensoever the same shall be perverted to their injury or oppression, and that every power not granted thereby, remains with them, and at their will, &c."—Elliott's Debates, vol. 4. p. 215.

It is thus established beyond a doubt, whether we regard the instrument itself or its cotemporaneous history, that the Constitution is a form of government established by the people, and not a compact or treaty among the states. If this be true, then the whole system of nullification topples into ruin.

The principle on which that system is built, is, that the constitution is a treaty between sovereign states and the general government—an agency for them. The moment this foundation is destroy-

ed, the whole system of reasoning fails with it. If the general government be one, established by the people of the United States, then they owe it allegiance, and may be guilty of treason towards it. Its laws are supreme, and no portion of the people can abrogate them. The state governments are component but subordinate parts of the system. They are as necessary and useful in their sphere as the general government, but that portion of the people of the United States who constitute a particular state, can have no more right to nullify or suspend a law of the United States than a smaller portion of them, as a county of a particular state, or than any individual; in other words, the union of any number, whether great or small, can give no greater or other right than that which belongs to each individual, as a constitutional measure. It is to be recollected that the ground taken by the nullification party, is, that nullification is a right consistent with the constitution and peaceable in its nature. In order to sustain that position, it was essential to show that the constitution is a treaty between sovereign states, and that in such case there could be no common arbiter, but that each was entitled to construe the instrument for itself, and was bound only by moral obligation to observe its stipulations, and was therefore the judge of their infraction, and of the measure and mode of redress. But so far from this being true, it has been shown that the constitution is a form of government established by the. people of the United States; and having provided a tribunal for the settlement of all controversies arising under its provisions, or the laws of the United States, it necessarily follows that no other mode of decision can be resorted to as consonant with its prin-

If the ground had been taken, that it was a revolutionary measure, and justified on the great principle of self preservation, it would have had the merit of being intelligible; and if true, would have enlisted the sympathies of other states, and indeed, of other nations. In such a case it would be an appeal to arms, and the legal consequences of such a step would have to be met. The case would then be one of an insurrection of a portion of the people against the government, in consequence of alleged oppression. But it was clearly seen, that the real state of the case would not justify such a measure. It was clearly seen, that neither the rest of the people of the United States, nor any portion of the world, could be made to believe that in the midst of so general happiness and prosperity, in a time of profound peace, with an overflowing treasury, and under such a government as that of the United States, such a case of oppression could be made out, as would justify rebellion. It was therefore necessary to resort to this doctrine of nullification for the purpose of disguising the real nature of the measure, and to give to a contemplated resistance the air of constitutional right. The act of nullification

is, itself, a nulity, and the consequeces are treason.

The state governments, it is true, are sovereign for some purposes; but have, by the Constitution of the United States, been stripped of most of the essential attributes of sovereignty-such as the rights to declare war, make peace, enter into treaties and alliances, coin money, &c. It is a matter of no sort of importance, which instrument happened to precede the other in point of time, whether the Constitution of the State, or the Constitution of the United States. The latter instrument having been declared the supreme law, and being the work of the same people, necessarily controls and abridges any sovereign power vested in the state governments under the state constitutions. It is needless to pursue the subject further; it is apparent that the state of South Carolina has no such right as she claims under the Constitution. And if she can justify the measure at all, it must be on the ground of intolerable oppression and the unconstitutionality of the acts complained of; but, on this ground, the rights of her whole body of citizens, or any portion of them, are no other, and no greater, than those of the humblest individuals in the community; but they cannot trammel up the consequences. Their political organization as a state, may furnish readier means of resistance and greater probabilities of success, but the consequences are the same. They cannot sanctify or legalize resistance, and the predicament in which the individual may stand if mistaken in his judgment, is that of a traitor to his country.

The view here taken of the origin of the government and the nature of the constitution, is confirmed by the solemn decisions of that great tribunal which has been created by that instrument, and which is the sole and proper one for the settlement of all controversies arising under it. The language of the supreme court, as delivered by Chief Justice Marshall, in the case of McCullough against the state of Maryland, is as follows: "In discussing this question, the counsel for the state of Maryland have deemed it of some importance in the construction of the constitution, to consider that instrument not as emanating from the people, but as the act of sovereign and independent states. The powers of the gen eral government, it has been said, are delegated by the states who alone are truly sovereign; and must be exercised in subordination to the states, who alone possess supreme dominion. It would be difficult to sustain this proposition. The convention which framed the constitution was indeed elected by the state legislatures. But the instrument when it came from their hands, was a mere proposal, without obligations or pretentions to it. It was reported to the then existing Congress of the United States with a request, that it might 'be submitted to a convention of delegates chosen in each state, by the people thereof, under the recommendation of its legislature for their assent and ratification.' This mode of proceeding was adopted; and by the convention, by Congress,

and by the state legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectually, and wisely on such a subject, by assembling in convention. It is true they assembled in their several statesand where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the states, and of compounding the American people into one common mass. Of consequence when they act, they act in their states. But the measures they adopt do not on that account cease to be the measures of the people themselves, or become the measures of the state governments. From these conventions the constitution derives its whole authority. The government proceeds directly from the people, is 'ordained and established' in the name of the people; and is declared to be ordained in order to form a more perfect union, establish justice, ensure domestic tranquility and secure the blessings of liberty to themselves and to their posterity."—Wheaton Rep. vol. 4, p. 403.

The same principles are recognized as being true in the late ad-

mirable proclamation of the President of the United States.

As to the doctrine of Nullification, your committee would scarcely have considered it worth the trouble of discussion, but for the grave sanction that has thus been given to it by the convention of South Carolina. They would have treated it as one of those conceits which might have formed the subject of debate in a Moot Court of a law school, but would never have conceived it possible that it could enter into the business realities of life.

Under the view which has been taken of the subject, it is scarcely necessary to enquire into the grounds of complaint, since they are not deemed strong enough even on the part of the convention to warrant a revolutionary measure, or in other words, rebellion; and the particular subject of attention under the communication is the attitude assumed by the state on the ground of her sovereign

power.

But your committee cannot forbear from expressing the opinion that their views of political economy are as erroneous as their constitutional principles. They conceive that it would be no difficult matter to show that the distress of South Carolina may be imputed to very different causes than those assigned, and might be traced with much more semblance of reason, among other causes, to the increased production of their principal staple, both here and in other parts of the world; but your committee refrain from touching further on this subject. They cannot perceive that the people of South Carolina have any constitutional cause of complaint. If there is distress among them it is a matter in which we deeply sympathise. But if in the due administration of the General Government, any measure has borne hardly upon them, we know of but

one remedy under the constitution and the laws, and that is in the

exercise of the elective franchise.

Your committee abstain from the expression of any hopes or wishes on the subject, they lament the delusion under which they believe a portion of the people of that state labour. But they are free to say, that as the people of this state were the first to adopt the present government, they will be the last to abandon it; and that whenever and wherever the exigency may arise they will be found on the side of the Constitution and the Country.

Your committee therefore report the following

RESOLUTIONS.

Whereas a Convention of the people of the State of South Carolina has undertaken by an Ordinance passed in November last, to declare, certain acts of Congress for imposing duties and imposts on the importation of foreign commodities, null and void and not binding on the States, its officers and citizens; and has prohibited the enforcement of those laws within the limits of that State, and has also prohibited any appeal from the decisions of the State Courts, wherein the authority of the ordinance shall be drawn in question, to the United States' Courts: And whereas, this measure has been communicated by order of the Convention to the governor of this State, for the purpose of being laid before the Legislature, and it is expedient that the sense of the people of this State should be expressed in relation thereto—Therefore,

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met, That the Constitution of the United States is not a treaty or compact between sovereign States, but a form of government emanating from, and established by, the authority of the people of the United States of America.

Resolved, That the Government of the United States, although one of limited powers, is Supreme within its sphere, and that the people of the United States owe to it an allegiance which cannot be withdrawn, either by individuals or masses of individuals, without its consent.

Resolved, That the Supreme Court of the United States is the only and proper tribunal for the settlement, in the last resort, of controversies in relation to the Constitution and the laws of Congress.

Resolved, That if in the regular action of the Government, mischief of any kind be produced, the proper remedy is to be found in the elective franchise, and the responsibility of its officers.

Resolved, That in cases of gross and intolerable oppression, which in a government like that of the United States, can be little else than a hypothesis, the natural right of self defence remains;

but which must in the nature of things, be an appeal to arms, and subject to all the consequences of resistence to the constituted authorities. In such a case the measure is revolutionary, and the re-

sult remains in the hands of the Almighty.

Resolved, That the Convention of South Carolina can have no other or greater right to annul or resist the laws of Congress, than any assemblage of an equal number of individuals in any part of the United States; nor can any assemblage, however large, have any other or greater right, for such a purpose, than belongs to each individual citizen, considered as a constitutional measure.

Resolved, That it is a subject of regret, that such a delusion should exist among any portion of the citizens of that state, towards whom the people of this state, entertain the kindest feelings, with whom they stood side by side in the war of the revolution, and in whose defence their blood was freely spilt. But if the measure which has been adopted is intended as the precursor of resistance to the government, the people of Delaware will not falter in their allegiance, but will be found now as then, true to their country and its government.

Resolved, That we cordially respond to the sentiments on this subject contained in the able proclamation of the President of the United States, and shall be at all times prepared to suport the Government in the exercise of its constitutional rights, and in the dis-

charge of its constitutional duties.

Resolved, That the Governor be requested to transmit a copy of these Resolutions and the accompanying Report of the committee to the President of the United States, to each of our Senators and our Representatives in Congress, and to the Governors of the respective States and Territories of the United States of America.

JOSHUA BURTON,

Speaker of the Senate.

THOMAS DAVIS,

Speaker of the House of Representatives.

Passed at Dover, January 16th, 1833.

Whereas, certain Resolutions, passed in December last, by both branches of the Legislature of South Carolina, declaring "that it is expedient that a Convention of the States be called as early as practicable, to consider and determine such questions of disputed power, as have arisen between the States of this Confederacy and the General Government"—have [been transmitted by the Executive of that State to the Governor of this, and by him laid before the General Assembly for an expression of its sentiments:—Therefore,

Resolved, by the Senate and House of Representatives of the

state of Delaware, in General Assembly met, that the Constitution of the United States of America, which is a form of government established by the people of the United States of America, has expressly provided a tribunal in the Supreme Court of the United States, for the settlement of all controversies between the United States and the respective States, and of all controversies arising un-

der that instrument itself.

Resolved, That the Constitution of the United States of America, does not recognize any such tribunal or political assemblage as a Convention of the States; but has expressly provided for modes of amendment, if amendment be necessary, in the fifth Article—as follows: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution: or on the application of the Legislatures of two thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress." Any other mode must therefore be repugnant to its provisions.

Resolved, That such a Convention to propose amendments, when called by Congress, must be, in the nature of things, a Convention of the people from whom the Constitution derived its authority, and by whom alone it can be altered, and not a Convention of the

States.

Resolved, That no such political assemblage as a Convention of the States, could take place as a constitutional organ of government; and that, if assembled, it could have no such power as that set forth by the Resolutions of South Carolina, "to consider and determine such questions of disputed power as have arisen between the States of this Confederacy and the General Government."

Resolved, That it is not expedient for Congress to call "a Convention for proposing amendments" at this time. But that if any amendments be necessary, it comports with the views of the General Assembly of this State, that they should be proposed in the other mode provided by the Constitution—"by two thirds of both

Houses of Congress."

Resolved, That the governor be requested to transmit copies of these resolutions, to the Governors of the several states, with a request that they may be laid before the Legislatures of the respective States; and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

JOSHUA BURTON,

Speaker of the Senate.
THOMAS DAVIS,

Speaker of the House of Representatives. Passed at Dover, January 25, 1833.

Preamble and Resolutions on the subject of the South Carolina Ordinance.

WHEREAS, His Excellency the Governor, has transmitted to this General Assembly, the Ordinance of the late Convention of the people of South Carolina, together with the proceeding of that body, whose object appears to be, a resistance to the collection of du ties, imposts, &c. upon foreign commodities, imported into that State, by nullifying the acts of Congress, providing for the levying and collecting such duties .- And this General Assembly cannot but view, with the deepest regret the avowed determination of a majority of the citizens of the State of South Carolina, to resist the operation of the laws of the General Government, in the manner pointed out by the Ordinance adopted by their late convention; and we have no doubt that such a course, if persisted in, must inevitably lead to consequences the most disastrous, and ruinous to the peace, prosperity and happiness of our common country.

Being connected, as we are, with our brethren of South Carolina by the strongest ties of consanguinty, and endeared by the mutual reciprocity of friendly intercourse and national attachment, and being sensible of the importance of our connection as States belonging to the same Federal Union; we cannot but deprecate every effort or measure which is calculated, in the remotest degree to operate to the severance of any of those ties, or render doubtful the permanent existence of our Confederacy. And entertaining as we do the most implicit confidence in the wisdom, justice and integrity of the General Government, we are well persuaded that no partial evil would be permitted to exist in any particular section of the Union, should it not be apparent that such evil was fully overbalanced by a general benefit afforded, by the same policy out of which that evil was found to spring up. Such evils if such exist, we should endeavor to remedy in a spirit of moderation and good faith; to the end that the unparalleled prosperity of the whole Union, unequalled as it is, in the history of civilized man, may not intercepted, or paralized in any of its parts.

Believing that the prosperity and independence of this Republic mainly depend upon the general peace and harmony which ought to exist among the several states, and that all should ever keep in view the adopted maxim "united we stand, devided we fall;" we feel it a duty, therefore, as American citizens to cling with pertinacity to the Constitution of the United States, and to the preservation of the Union of the States. We cannot, therefore, view with indifference, much less can we lend our aid to any measure which

is calculated to disturb the integrity of that Union.

Jour.

Resolved, therefore, by the General Assembly of the State of Ohio, that we view with the deepest regret the unhappy movements, and apparent determination of the late Convention of the people of South Carolina, to nullify the laws of the General Government, made in conformity to the Constitution of the United States.

Resolved, that the Federal Union exists in a solemn compact entered into by the voluntary consent of the people of the United States, and of each and every State, and that therefore no State can claim the right to secede from, or violate that compact, and however grievous may be the supposed or real burthens of a State, the only legitimate remedy is in the wise and faithful exercise of the elective franchise, and the solemn responsibility of the public agents.

Resolved, that the doctine, that a State has the power to nullify a law of the General Government, is revolutionary in its character, and is in its nature calculated to overthrow the great Temple of American Liberty;—Such a course cannot absolve that allegiance which the people of this Union, owe to the supremacy of the

laws.

Resolved, that in levying and collecting duties, imposts and excises, whilst the general good should be the primary object; a special regard ought to be had to the end, that the interest and prosperity of every section of the country should be equally consulted

and its burthens proportionably distributed.

Resolved, that the first object of the American people, should be, to cherish the most ardent attachment to the Constitution and Laws of this Union; and as a paramount object of a free people, we should use every honorable means to preserve the honor and integrity of the Union.

Resolved, that the Governor be requested to transmit copies of [the] foregoing preamble and resolutions to the President of the

United States, and to the Executives of the several states.

DAVID T. DISNEY,

Speaker of the House of Representatives.

SAMUEE R. MILLER,

Speaker of the Senate.

February 25th, 1833.

Resolution in relation to a call of a Convention to amend the Constitution of the United States.

Resolved, by the General Assembly of the State of Ohio, That in the opinion of this General Assembly it is inexpedient at the present time to apply to the Congress of the United States, for a call of a Convention of the people to amend the Constitution of the United States, or to call a Convention of the States to consider and de-

fine questions of disputed powers which may have arisen between any State of this Confederacy and the General Government.

Resolved further, That his excellency, the Governor, be, and he is hereby requested to transmit copies of the foregoing resolution to each of the Executives of the several States of this Union for the consideration of the Legislatures thereof.

DAVID T. DISNEY,
Speaker of the House of Representatives.
SAMUEL R. MILLER,
Speaker of the Senate.

February 25th, 1833.

Resolution relating to the President's Proclamation and Message.

Resolved by the General Assembly of the State of Ohio, That this Legislature do cordially approve of the exposition of the principles of the Constitution of the United States, touching the pernicious doctrines of nullification and secession set forth in the proclamation of the President of the United States, of the tenth of December last, and in his late message to Congress, and that this Legislature do also feel the strongest assurance that the principles contained in that exposition will be firmly sustained by the people of Ohio.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to the President of the United States, to the Executive of each of the United States, and to each of our

Senators and Representatives in Congress.

DAVID T. DISNEY,

Speaker of the House of Representatives.

SAMUEL R. MILLER,

Speaker of the Senate.

February 25, 1833,

SECRETARY OF STATE'S OFFICE,
Columbus, Ohio, Feb. 26th, 1833.

I HEREBY CERTIFY, That the foregoing RESOLUTIONS are true copies of the original rolls now on file in this Office.

MOSES H. KIRBY, Secretary of State.

STATE OF ALABAMA.

EXECUTIVE DEPARTMENT, Tuscaloosa, Ala., February 28, 1833.

SIR:

I have the honor to transmit to you the annexed Resolutions and recommendations, with the request that your excellency will submit them to the Legislature of Kentucky.

With high consideration,
I have the honor to be your ob't. serv't.
JOHN GAYLE.

REPORT of the select committee of the House of Representatives, to whom was referred so much of the message of the Governor, as relates to the Tariff, to the principle of protection, and to the doctrine of Nullification.

The select committee to whom was referred so much of the message of the Governor, as relates to the tariff, to the principle of protection, and to the doctrine of nullification, have had the same under consideration, and have instructed me to report a preamble and resolutions, which they respectfully submit to the house for its adoption.

Your committe, deeply impressed with the present alarming crisis in our history, have given to the subject that profound consideration, which its paramount importance so justly demands.

So much has been said and written on the subjects submitted to them, that they may be said to be exhausted, and they will therefore submit a very few remarks prefatory to the resolutions, which they recommend to the adoption of the house.

In a country of such vast extent as the United States, embracing such a variety of soil, climate and products, and inhabited by a people, whose pursuits are as various as the climate under which they live; any attempt on the part of the government to force manufactures into existence, by governmental bounties, must of necessity operate unequally, and therefore be unjust.

If it be a truth, not now to be questioned, that no government can justly take from one portion of its citizens a part of their property, to benefit another, it is more especially unjust in a country like ours, composed of different states, who are united in one commond bond, only for the purpose of providing for the common defence, of promoting the general welfare and securing the blessings of liberty to themselves and posterity. For these purposes this union was formed, and it cannot be supposed, that those who consented to it, intended by implication and construction to confer onthe general government powers destructive to their happiness and best interests. Laws having their operation, and 'professing to derive

their authority from the constitution under which we live, being opposed to the true interests of every section of the republic, and unjust in their operation on the Southern States, even if sustained by the letter of the constitution, are contrary to its spirit and at war

with the general scope and tenor of that instrument.

It cannot be believed, that if the framers of the constitution had assigned the exercise of such a power, as the right to create and protect domestic manufactures, by a system of high duties, that it would have been left to inference or implication; its framers therefore could not have intended that such a power should be exercised. This reasoning is founded on, and these results drawn from, the instrument itself; but in addition thereto, contemporaneous history informs us that in the convention which framed the constitution it was proposed in various modes to give that power to congress, and refused.

It is the exercise of this power, which a large majority of the South believe to be against the spirit of the constitution, and no inconsiderable number, contrary to its express letter, which has driven them to consider their government as foreign to their interests and alien to their feelings. Instead of looking up to it with pride and veneration, as the world's last hope, and as the favorite resort of freedom, no inconsiderable portion of the south have begun to estimate its value; and to contemplate even disunion itself, as an evil less formidable than submission to the exactions of the government.

And now at this fearful crisis when one of our co-states has assumed the alarming attitude of declaring an act of Congress void within her limits, and the note of preparation is sounded to sustain this attitude by force, what shall Alabama do? Our answer is, never despair of our country. We believe that there is a vital energy, a living principle inherent in our institutions, and a sense of justice residing in the bosoms of our fellow-citizens, which, when properly appealed to, must succeed. We concede that our northern brethren believe that they are acting within the pale of the constitution; but can it be believed that they will, by insisting on the obnoxious duties, peril the union of these states, and make shipwreck of the last hope of mankind? Can any pecuniary benefit compensate for results like these? If blood be shed in this unhollowed contest, a wound will be inflicted, which may never be healed, to confidence will succeed distrust, mutual recriminations. and mutual injuries, and the choicest blessings of Heaven, by the madness and folly of man, will be converted into the most deadly

Deeply impressed with these views, we recommend the adoption of the following resolutions, which we are satisfied embody the opinions of our constituents, and in their name propose to our co-States a federal Convention.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That we consider the present tariff of duties, unequal, unjust, oppressive, and against the spirit, true intent and meaning of the Constitution; that if persevered in, its inevitable tendency will be to alienate the affections of the people of the Southern States from the general government.

And be it further resolved, That we do not consider the tariff of 1832, as fastening upon the country the principle of protection, but that we receive it as the harbinger of better times, as a pledge that Congress will, at no distant period, abandon the principle of protection altogether, and reduce the duties on imports to the actual wants of the government, levying those duties on such articles as will operate most equally on all sections of the Union.

And be it further resolved, That nullification, which some of our Southern brethren recommend as the constitutional remedy for the evils under which we labor, is unsound in theory and dangerous in practice, that as a remedy it is unconstitutional and essentially revolutionary, leading in its consequences to anarchy and civil discord,

and finally to the dissolution of the Union.

And be it further resolved, That we earnestly entreat the people of this State, not to distrust the justice of the general government, and to rest satisfied, though long delayed, it will certainly be accorded to them. And above all things, to avoid those dangerous and unconstitutional remedies proposed for their imitation and adoption, no matter how specious their exterior, which may lead to bloodshed and disunion, and will certainly end in anarchy and civil discord. And at the same time, we would most solemnly adjure the Congress of the United States, in the name of our common country, to abandon the exercise of those dubious and constructive powers, claimed under the constitution, the assertion of which has produced jealousy, excitement and dissatisfaction to the government, and if persevered in, will, in all human probability, dissolve this union. By this means, and by this alone, can we be prevented from fulfilling our high destinies, and our onward march to greatness be arrested.

And be it further resolved, That as we have now for the first time in the history of our country, presented to us the appalling spectacle of one of the States of this Union arraying herself against the general government, and declaring sundry acts of Congress void and of no effect within her limits; presenting to Congress the alternative of repealing the obnoxious laws, or permitting her secession from the Union, and preparing by an armed force to sustain the position she has assumed, and as we cannot silently look on and witness the failure of the high raised hopes and just expectations of those patriots who cemented our liberty with their blood: Therefore, as a last resort, we recommend to our co-States the calling of a Federal Convention, to meet in the city of Washington,

on the 1st of March, 1834, or at such other time and place as may be agreed on, which shall be authorised to devise and recommend such plan, which will satisfy the discontents of the South, either by an explicit denial of the right of Congress to protect domestic industry by duties on imports laid for protection, or by defining and restricting the power aforesaid, within certain prescribed limits, and making such other amendments and alterations in the constitution, as time and experience have discovered to be necessary.

Resolved, That the Governor be desired to transmit a copy of the foregoing resolutions to the President of the United States, and to the Executive of each of the States, with a request that the

same may be communicated to the Legislature thereof.

Resolved further, That the Governor furnish a copy of said resolutions to each of the Senators and Representatives of this State, in the Congress of the United States. Approved, Jan. 12, 1833.

Recommendations of the General Assembly of the State of Alabama to the President of the United States, to the State of South Carolina, and to the different States.

The General Assembly of the State of Alabama have received and considered with absorbing interest, the late Ordinance of South Carolina, with the address of the co-States accompanying the same, together with the Proclamation of the President of the United States, consequent thereon. The attitude assumed by the State of South Carolina and the Government of the United States through its Chief Magistrate, forebodes a crisis which threatens the peace of society and the harmony of the Union, and which should be deplored by every one who loves his country and liberty. The existence of our constitution and the integrity of the union, require the instant exertion of that patriotism, forbearance and virtue, which have hitherto characterised the history of our government. Omitting, on this occasion, to enter into the causes which have produced the present afflicting posture between one State and Federal Government; this General Assembly now affectionately and solemnly appeals to the Congress of the United States, and to the State of South Carolina, for that forbearance, patriotism and virtue, which alone can restore, by mutual sacrifice of opinion, harmony, peace and prosperity to our common country. The only bonds of our union, and the sole preservatives of rational and constitutional liberty, are a strict adherence on the part of the constituted authorities, to the principles of our government—the affection of the people for that government, and a firm persuasion of the equality and justice of the administration, aided by a spirit of forbearance on the part of those States who may depend upon the opinion of the majority.

To this end the General Assembly of Alabama recommend to the Congress of the United States, a speedy modification of the tariff laws, in such manner as to equalise their burthens, and cause only so much revenue to be collected as will be necessary to pay the expenses of the Government in its constitutional and economical administration. This Assembly further recommends to the Congress of the United States, as she had already done to her co-States, the call of a Federal convention, to propose such amendments to our Federal Constitution as may seem necessary and proper, to restrain the Congress of the United States from exerting the taxing power, for the substantive protection of domestic manufactures. This Assembly further earnestly recommends to the State of South Carolina, to suspend the operation of her late ordinance, that the unfortunate collision of powers between the State and the government of the United States, may be amicably adjusted in such manner as not to impair the rights and powers granted to the general government, or retained and reserved to the States, or the people by the Constitution. This General Assembly further urgently recommends to the State of South Carolina, to abstain from the use of military power, in enforcing her Ordinance, or resisting the execution of the revenue laws of the United States. And this General Assembly, with equal earnestness, recommends to the government of the United States, to exercise moderation, and to employ only such means as are peaceful and usual to execute the laws of the Union. The general Assembly of this State further recommends to her co-States, to concur with this State in the foregoing recommendations.

Resolved, That the Executive of this State be requested to transmit copies of the foregoing recommendations, to the Executive authorities of each of the United States, and to the President of the United States, and to our Senators and Representatives in Congress, with instructions to lay the same before the Congress of the United States. Approved, January 12, 1833.

MISSISSIPPI.

EXECUTIVE OFFICE, MISSISSIPPI, Jackson, February 6, 1833.

SIR

The resolutions which I have the honor herewith to enclose, are forwarded in compliance with a requisition made on me by the Legislature of this State, with a request that your Excellency will

lay them before the Legislature of the State over which you preside.

I have the honor to be, with much respect, Your Excellency's ob't. serv't.

A. M. SCOTT.

To his Excellency, the Governor of the State of Kentucky.

The select committee to which was referred "so much of the Governor's Message as relates to the Resolutions from the States of Louisiana, Maine, New-Hampshire, and Pennsylvania, with the accompaying documents," beg leave to report: That they have had them under consideration, and would recommend, in regard to the resolution first named, the adoption of the following Resolu-

In relation to the Resolutions from the States of Maine, New-Hampshire, and Pennsylvania, and that portion of the Message which points to their consideration, your committee would express the belief that the sentiments of a majority of the people of this State, in regard to the subjects to which they relate, are in accordance with those expressed by the General Assembly in the year 1829, declaring the tariff law of 1828, so far as it contemplated a system of protection, carried beyond the manufacture of such articles as are necessary to the national defence, to be "contrary to the spirit of the Constitution of the United States, impolitic and oppressive in its operation on the Southern States, and should be resisted by all constitutional means:" But fearful lest false inferences should be drawn from this expression of public opinioninferences, calculated to induce a belief that this State is prepared to advocate and uphold the disorganizing doctrines, recently promulgated in South Carolina, your committee deem it their duty to speak plainly, and to undeceive their sister States in this respect.-We are opposed to nullification. We regard it as a heresy, fatal to the existence of the Union. "It is resistance to law by force-it is disunion by force—it is civil war." Your committee are constrained to express the opinion, that the State of South Carolina has acted with a reckless precipitancy, (originating, we would willingly believe, in delusion,) well calculated to detract from her former high character for wisdom in council, purity of patriotism, and a solicitous regard for the preservation of those fundamental principles, on which alone rest the peace, the prosperity and permanency of the Union. Your committee deeply deplore the alarming crisis in our national affairs: they regret it the more as proceeding from the unwarrantable attitude assumed by a sister of the South, whose best interests are identified with our own. In the spirit of breth-

ren of the same family, we would invoke them to pause—to harken attentively to the paternal, yet ominous, warning of the Executive of the Union. We would conjure them to await patiently the gradual progress of public opinion; and to rely with patriotic confidence on the ultimate decision of the talented statesmen and pure patriots in the Congress of the United States. But they would also loudly proclaim, that this State owes a duty to the Union, above all minor considerations. That she prizes that Union less than liberty alone. That we heartily accord in the general political sentiments of the President of the United States, as expressed in his recent proclamation; and that we stand firmly resolved, at whatever sacrifice of feeling, in all events, and at every hazard, to sustain him in enforcing the paramount laws of the land, and preserving the integrity of the Union—that Union, whose value we will never stop to calculate—holding it, as our fathers held it, precious above all price. Your committee would therefore recommend the adoption of the following resolutions:

Be it resolved, by the Legislature of the State of Mississippi, That in the language of the father of his country, we will "indignantly from upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the ties which link together its various parts."

2. Resolved, That the doctrine of Nullification is contrary to the letter and spirit of the Constitution, and in direct conflict with the welfare, safety and independence of every State in the Union; and to no one of them would its consequences be more deeply disastrous, more ruinous, than to the State of Mississippi—that State in which are concentrated our dearest interest—around which cling our most tender ties—the fair land of our nativity or adoption—the haven of our hopes, the home of our hearts.

3. Resolved, That we will, with heart and hand, sustain the President of the United States, in the full exercise of his legitimate powers, to restore peace and harmony to our distracted country, and to maintain, unsulfied and unimpaired, the honor, the independence and integrity of the Union.

4. Resolved, That the Governor of the State be, and he is hereby required to transmit a copy of the resolutions, with the preamble, to our Senators and Representatives in Congress, also to the Governors of the different States, with a request that the same may be laid before their respective Legislatures.

DAVID PEMBLE,
Speaker of the House of Representatives.
CHARLES LYNCH,
President of the Senate.

STATE OF KENTUCKY, Auditor's Office, Frankfort, Jan. 2, 1834.

SIR—You will please lay before the Senate, the accompanying State of Kentucky, for the non-payment of taxes due thereon—(the latter reported by special resolution, adopted December session, 1832.)

Respectfully, your ob: servit:

PORTER CLAY, Auditor Pub. Acts.

James T. Morehead, Esq. Licutenant Governor and President of the Senate.

No. 1.

A STATEMENT of year ending of	f moneys	received	and	paid	at the	Trea	sury, for t	he
year ending o	n and incl	uding the	10th	day o	of Octo	ber,	1833, to-w	it:

(Amount forwa	rded,)	\$119,721 31
For the sale of lands by Edmund Curd receiver of public moneys, West o Tennessee river in Com?th. paper, Ditto in Specie,	25,506 54 4,045 00	29,551 54
Lands West of Tennessee River-		
From Sheriffs for the collection of the Rev	venue of 1831,	64,758 58
Revenue collectable by Sheriffs—		18,780 86
From clerks, for taxes received on law process, deeds, seals, &c., Do. Register of the Land Office,	17,916 36 864 50	
Revenue collectable by Clerks, &c		341 35
To be laid West of Cumberland river, Ditto East ditto, Ditto on forfeited lands, To confirm titles to forfeited lands,	276 85 12 50 50 00 2 00	
Sale of Land Warrants—		
Treasurer Town of Columbus— For the sale of lots,		2,210 97
For the redemption of lands sold for taxes,		17 59
Purchasers of Non-residents' Lands-		
Non-residents' Lands— For tax received on non-residents' lands,		2,091 80
Ditto under the acts of 1815, 20 and 25, (denominated land-warrants,) Ditto under the treaty of Tellico,	1,617 75 5 00	1,968 62
Received on lands granted under the acts of 1795, 6, and 1800, (denominated head-rights,)	\$ 345 87	

\$264,208 33

(Amount brought forward,)	\$119,721	31
Miscellaneous receipts— For taxes received for the redemption of residents lands forfeited to the State &c.,		
Bank of the Commonwealth of Kentucky— For the nett profits of said institution from the 30th day of November, 1831, to the 30th day of November, 1832—(no report made since said date,)		72
Bank of Kentucky for Stock— For distribution of Stock (in Com'th paper,) 7,956 00 Ditto (in Specie,) 15,912 00		00
Total amount received by the Treasurer from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive,		20
Of which is in Specie, 19,957 00 Ditto in Commonwealth's paper, 134,389 20		20
Commonwealth's paper. Warrants reported to have been paid by the Treasurer from the 10th day of October, 1832, to the 10th day of October, 1833, Warrant to Taylorsville Bridge, for 900 dollars, specie, cancelled and paid in Commonwealth's paper, at Advance, at 5 per cent., allowed on 4,045 dollars, specie, paid by receiver of public moneys West of Tennessee river, (as per act of Assembly,) 202 25		
Total amount paid, To which add balance due from Government, on the 10th day of October, 1832,		
Making the whole debit, From which deduct amount of receipts as above enumerated, 134,389 20 Also, this amount credited Treasurer, in	264,208	33
the Bank of the Commonwealth of Ky. (as per act of Assembly,) 129,819 13	William St.	

Making the whole credit,

Specie.

Warrants reported to have been paid from the 10th day of October, 1832, to the 10th day of October, 1833, Balance due from Government on the 10th day of October, 1832,	\$26,592 51,175			
Making the whole debit, From which deduct the amount of re- ceipts as enumerated above, Also, the amount of warrant issued, in fa-	19,957	00	77,767	77
vor of the Taylorsville Bridge, and cancelled as stated above, Also, amount this day credited in the	900	00		
Bank of the Commonwealth of Kentucky (as per act of Assembly,) Making the whole credit	56,910	77	\$77,767	77

No. 2.

A STATEMENT of warrants drawn by the Auditor of Public Accounts on the Treasurer, from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive; shewing the amount drawn for each source of expenditure; and, also, the amount of warrants paid and unpaid during the same period, viz:

Jailors-

Attendance on courts, furnishing fuel, &c.	2,216	18		
Committing and releasing criminals,	193			
Dieting criminals,	4,723	37		
Ironing criminals,	34	91		
Troming or manager			7,168	33
Executive Offices—				
Fuel, stationary, &c. furnished the Sec-	820	00		
retary's Office,				
Ditto Land Office,	756			
Ditto Treasurer's Office,	273			
Ditto Auditor's Office,	539	18		
			2,389	55
Public Printer—				
For advertising non-residents' lands,	H TO BE		11	00
Distributing Acts and Journals Dec. Session,	1832-			
	105			
First District,	120			
Second District,	120	00	225	00
The property of the second second second	Experiment.		. 220	00
(Amount forwarde	d,)		\$9,793	88

66	AUDITUR'S REPUR	.1.	Laonre.
	(Amount brought forward,)		\$9,793 88
Criminal I	Prosecutions—		
Constabl	es conveying criminals to jail, apprehending criminals,	450 11 770 00	
Ditto Ditto	summoning witnesses, whipping criminals,	234 82 62 57	
Guards,	for guarding criminals in jail, to and to the penitentiary,	2,160 46	
For the Ditto	attendance of venire-men, do witnesses,	3,192 25 2,247 25	
Sheriffs	summoning venires,	397 50 609 84	
Ditto	do witnesses, apprehending criminals,	602 00	
Ditto	conveying criminals to jail, do do to penitentiary,	244 62 808 50	
	executing process for contempt, summoning juries in cases of	44 64	
Idiots		79 23	
	hung,	10 42	
Ditto	summoning venires, attending court,	28 00 46 00	
Coroner Ditto	s attending court, summoning witnesses,	41 00 22 32	
Ditto Ditto	apprehending criminals, conveying criminals to jail,	46 00 35 78	10.104.207
Public Co	mmunications—in Specie.	1	12,134 31
By the ODitto	Governor and Secretary, 72 0 Auditor Public Accounts, 30 9		
	Commonwealth's paper.		
Ditto	Quartermaster General, 4 4 Auditor Public Accounts, 658 0 Governor and Secretary, 208 5	3	
Ditto	dovernor and occretary, 200 o	871 03	974 03
	t Expenses—in Specie.	50 00	374 08
	t of Office for Adjutant General,	30 00	
Repairi	Commonwealth's paper. ng Public Buildings and yard,	516 94	
Salary.	of, and Blanks &c. furnished for, ver of public moneys West of		
Tenr	nessee river, for Quartermaster General,	206 00 128 22	

(Amounts forwarded,)

\$901 16 \$22,902 22

(Amount brought forward,)		\$22,902 22
Contingent Expenses-in Com'wealth's paper	-(continued	<i>l</i> ,)
(Amount brought forward,)	\$901 16	
To the sergeant of the Court of Appeals and tipstaff, for their attendance on the Court of Appeals and General Court,		
and for furnishing fuel, &c. for same, Cutting and packing wood for Legislature	436 16 45 00	
Fire buckets for Capitol and Executive Offices,	37 71	
Binding Laws &c. of other States for	154 23	
Secretary, Repairs of Court of Appeals room,	74 80	
Printing proposals, circulars &c.	65 71	
Ash house &c. for Capitol,	65 57	
in Specie,	50 00	
in Commonwealth paper,	1,730 34	
Salaries—		1,780 34
Annual salaries of the Judiciary officers,	21,940 42	
Ditto Executive officers,	7,713 19	
Attamore		29,653 61
Annual salaries of the Commonwealth's A	ttornevs.	5,138 02
Military Expenditures—		
Pay of Brigade Inspectors,	249 65	
Storage of public arms,	228 55	
Pay of Provost Marshals,	20 00	
Repairing and cleaning public arms,	117 49	
Pay of Judge Advocates,	6 00	
Lunatics—		621 69
For the support of Idiots,		11,949 17
Decisions of the Court of Appeals—		
Balance for Marshall's 4th volume,	1,082 00	
Ditto do do 5th do	1,168 00	
Ditto do do 6th do	1,042 00	
Advance for do 7th do	350 00	
Clerks Services—	The Assessment of the State of	3,642 00
For Record books furnished the several		
offices,	1,897 85	
Source of the Control		
(Amounts forwarded.)	\$1,897 85	\$75,687 05

(Amount brought forward,)		375,687 05
Clerks Services—(continued,)		
(Amount brought forward,)	\$1,897 85	
Allowances to Clerks of county courts for copying Commissioners books, Ex-officio services of the Clerks of the the Circuit Courts, and Clerk of the	1,143 23	
General court.	3,139 33	
Clerk of Hickman circuit court, under special act of Assembly,	129 92	
Presses furnished the several offices,	190 63	
Circuit court Seals furnished,	10 00 50 00	
Office Rent for Clerk Court of Appeals,	30 00	6,560 96
Deaf and Dumb—		
Kentucky institution for the tuition of the Dumb, for the support of the indigent pu	Deaf and	3,337 57
Moneys Refunded—	0.69	
Taxes twice paid,	9 62 16 79	
Taxes improperly paid,	10 73	
Fees paid into the Treasury for attorney		
general, clerk of the General Court, &c. by delinquent officers vs. whom		
judgments had been rendered in the		
General Court,	345 93	
Redemption of land sold for taxes,	64 70	437 04
Public Roads—		MATERIAL PROPERTY.
Pay of Commissioners on the road from		
Columbus to the State line by the way	40 00	
Ditto from Mount Sterling to the Virginia		
line by the way of Prestonsburg,	46 50	86 50
Sheriffs, Comparing Polls—		Charles to
For Congress,	125 69	
Governor and Lieutenant Governor,	116 90	
Senate,	43 99	
Electors,	1,838 39	2,124 97
Legislature, Dec. Session, 1832-		
Pay of members,	18,214 68	是 是
Ditto witnesses,	37 92	
		18,252 60
(Amount forward	ded,)	\$106,486 69

(Amount brought forward,)	\$106,48	3 69
propriations Dec. Session, 1832—		
o Vachel Weldon,	\$30 79	
A. C. Keenon,	426 25	
J. G. Dana,	10 12	
Joel Scott,	256 63	
J. P. Hammons,	40 00	
Joseph Gray,	210 00	
A. S. Parker,	535 83	
F. Reynolds,	18 60	
John D. McClure,	333 71	
Benjamin R. Pollard,	270 75.	
John A. Markley,	14 92	
James Stonestreet,	580 00	
A. G. Hodges,	4,365 68	
Luke Munsell,	32 00	
Rail Road Committee,	108 00	
William Holeman,	243 00	
James Dryden,	141 13	
Mrs. Hume,	207 13	
Robert S. Todd,	622 28	
R. K. Stout,	106 00	
John P. Cammack,	63 00	
Anthony Crockett,	189 00	
John M. Foster,	13 50	
Silas M. Noel,	20 00	
J. Dudley,	347 45	
John, (a colored man,)	10 00	
C. Minter, (a colored woman,)	10 00	
Charles Hutchinson,	75 00	
James Wight,	138 86	
H. Wickersham,	5 00	
A. R. Macey,	270 00	
Frances S. Hickman,	144 75	
H. Mordecai,	112 00	
James T. Morehead,	266 75	
L. Batchelor,	243 00	
G. W. Barclay,	233 43	
M. Brown,	14 00	
Richard A. Bohannon,	15 00	
Joseph Taylor,	32 66	
E. Brown,	7 50	
James W. Taylor,	272 29	
James Davidson,	105 21	
지기 가는 사용가 되었다면 가게 되었습니다. 하나 하는 사용이 되었습니다. 그 사용이 되었습니다. 그 사용이 되었습니다. 그 사용이 되었습니다.	9000 00	
Chambers and Holeman,	30 00	
Thomas S. Page,	97 50	
	\$20,268 72 \$106,4	86
(Amounts forwarded,) \$100,9	00

(Amount brought forward,)	\$106,486 69
Appropriations Dec. Session, 1832—(co.	ntinued,)	
(Amount brought forward,	\$20,268 72	
James B. Marshall,	30 00	
William Wood,	740 0	
Tilman, (a colored man,)	10 00	
Mrs. Wingate,	75 00	
Wood and Keenon,	59 25	
John J. Crittenden,	248 00 13 50	
Porter Clay,	1,500 00	
Cumberland Hospital,	1,500 0	\$22,944 45
Sheriffs for Revenue—	Marin in	
Amount overpaid, for year 1831,	221 0	
Ditto, ditto, 1830,	9 2	
		- 230 34
Slaves Executed—		
By order of Garrad circuit court,	550 0	
Ditto Fleming ditto,	400 0	
Ditto Mercer ditto,	900 0	
Ditto Fayette ditto,	514 2	2,364 28
		- 2,501 20
Commissioners of Tax—		3,715 87
For taking in lists of taxable property	2/	5,115 61
Electors—		
For pay of Electors attending at Fran President and Vice President,	akfort, to vote for	437 09
Bridges—(Specie,)	Selection Ass	
Rockeastle bridge, (pay of Comm'rs,	9 0	0
Taylorsville bridge, (subscription of st	ock,) 900 0	0
Ditto, in Commonwealth's paper (ditt	0,) 857 1	4
		00
In Specie,	909 (er. 857 1	
In Commonwealth's pape	er, 657 1	_ 1,766 14
Turnpike Roads—(Specie,)		
Shelby county,	1,010	8
Ditto—(Commonwealth's paper,)		
Shelby county,	13,714 2	
Franklin county,	10,500 (00
* 7	1.010 "	10
In Specie,	1,010 5 er, 24,214 2	
In Commonwealth's pape	1, 24,214	25,225 05
(Amount for	warded,)	\$163,170 00

SEN.	
(Amount brought forward,)	\$163,170 00
Drawbacks on vacant Lands—Specio— Pay of Military certificates,	116 61
Clerks— Amount of account overpaid,	65
Appropriations Dec. Session, 1831— To L. Batchelor, James Davidson, Treasurer, for repairs of State House, 500 00	541 00
Digest Decisions Court of Appeals— For amount paid Henry Pirtle, as per act of Assembly,	4,380 00
Total amount of warrants issued from the 11th day of October, 1832, to the 10th day Oct. 1833, inclusive,	168,208 26
Of which is in Specie, 2,189 39 in Commonwealth's paper, 166,018 87	168,208 26
Specie, Warrants issued from 11th day of Oct. 1832, to the 10th day of Oct. 1833, Warrants unpaid on the 10th day of Octotober, 1832, From which deduct the amount of warrants reported to have been paid by the Treasurer as in Statement No. 1,	26,592 71 26,592 71
Commonwealth's paper. Warrants issued from the 11th day of October, 1832, to the 10th day of October, 1833, Warrants unpaid on the 10th day of October, 1832, From which deduct the amount of warrants reported to have been paid by the Treasurer as in Statement No. 1,	169,429 99 166,646 18
Leaving amount of warrants unpaid on the 10th day of October, 1833,	\$2,783 81

Heatable by Sheriffs.

No. 3.

A STATEMENT of debts due to government on the 10th day of October, 1833, viz:

collectable by Snerijjs-		
1793	104 06	A STATE OF
1794		
1796		
1798		
1799		
1800		
1802		
1803		
1806		
1807		
1809		
1811		
1815		
1817	시민 집 보고 있다. 그리고 그는 그리고 있는 사람들이 얼마나 얼마나 없는데 없었다.	
1819		
1820		
1821		
1823		
1824		7127
1825	1,010 58	
1828		
1829		
1830		
1831	615 00	10.000
		12,009
able,		7,127
stock, (Independent Ba	nks,)	1,105
Ponitentiary.		58,593
own of Columbus, (this a	mount retained in	
	1793 1794 1796 1798 1799 1800 1802 1803 1806 1807 1809 1811 1815 1817 1819 1820 1821 1823 1824 1823 1824 1825 1828 1829 1830 1831	1794 138 61 1796 1,805 36 1798 101 36 1799 217 25 1800 172 26 1802 31 99 1803 1,662 21 1806 613 26 1807 279 43 1809 48 58 1811 52 44 1815 10 26 1817 754 54 1819 942 86 1820 472 30 1821 1,519 02 1823 374 16 1824 510 67 1825 1,010 58 1828 16 54 1829 37 63 1830 519 30 1831 615 00

the hands of the Treasurer, by the directions of the Trustees, to cover expenses of sales,) Clerks, for taxes received,

Total amount of debts due to Government on the 10th

\$86,198 87 October, 1833,

Lexington and Ohio Rail Road Company, this amount of bonds issued, upon which the faith and credit of this Commonwealth is pledged for payment, in accordance to act of Assembly, approved 2d Feb. 1833, 100,000 00

50 00 7,312 72

Stock owned by the State.

STOCK OWNER DY CHE	c Butter	0		
In the Bank of Kentucky, In the Bank of the Commonwealth of	Maria		95,472	00
Kentucky, Specie,	1,701 472,409			
Ditto, in Commonwealth's paper,	412,405	90	474,110	57
Turnpike Roads—				
Maysville, Washington, Paris and Lex-	14,285	70		
ington, Commonwealth's paper,	39,987			
Shelby county, Franklin county,	10,500			
			64,773	23
Maysville, Washington, Paris and Lex-	60 500	00		
ington, Specie,	62,500 7,010			4 75.
Shelby county,	1,010	-	69,510	78
Taylorsville bridge, in Commonwealth's				
paper,	2,428			
Ditto, in Specie,	850		3,278	56
	4-1	Oth		
Total amount of stock owned by the State day of October, 1833,	on the 1	Util	\$707,145	14

No. 4.

A STATEMENT of debts due from Government on the 10th day of Oct. 1833, and for which the Treasury is bound for payment, viz:

Sheriffs for Revenue-

For account overpaid Revenue,	, 1813, 8 32		
Ditto	1822,		
Ditto	1826, 7 80		
Ditto	1827, 4 68		
Ditto		21	
To the town of Columbus,		4,263	81
To purchasers of Non-residents	lands	275	
To purchasers of Worldship	oro,		05
To Treasurer, town of Waidsbo	ement No 2	2,783	81
For warrants unpaid, as in stat	ement 100. ~,	1,036	
To Attorneys for salaries due, For salaries due to Judiciary an	nd Executive officers,	6,265	
Total amount of debts due fro 10th day of October, 1833,	om Government on the	\$14,647	05

No. 5.

A Statement shewing the debits and credits of the Revenue account for 1831, as due from Sheiffs during the year ending on the 10th day of October, 1833, viz:

DEBITS.

Balance due on the 10th day of Oct. 1832, Additional lists charged, Costs of suits charged, Warrants issued for accounts overpaid,	77,096 6 230 2 34 0 221 0	24		
			77,581	97
CREDITS.				
By amount paid Treasurer, as in statement No. 1, Delinquents, forfeited lands, errors cor-	64,758	58		
rected and exonerations by court,	5,409	95		
Commission for collecting, Wolves killed,	5,810 9 987			
World by Manager			76,966	97
Balance due Government on the 10th day of October, 1833, as it statement	`			
No. 3,			\$615	00

No. 6.

A STATEMENT shewing the debits and credits of the accounts of Clerks, (Circuit, County, Court of Appeals, and General Court,) for the collection of tax on law process, deeds, seals, &c. accounted for, during the year ending on and including the 10th day of October, 1833, viz:

DEBITS.

Balance due on the 10th October, 1832,	5,665 14	
Amount of accounts rendered,	20,572 82	
Amount of warrant for account overpaid		
as in statement No. 2,	65	
Amount of costs charged,	17 00	
	4	26,255 61
CREDITS.		
By amount paid the Treasurer, as in		
statement No. 1,	17,916 36	
Commission for collecting,	1,026 53	
		18,942 89
Balance due Government on the 10th day	of October	
1833, as in statement No. 3,	or comon,	\$7,312 72

No. 7.

A Statement shewing the probable amount of the expenditures of Government for the year ending on and including the 10th day of October, 1834, viz:

Jailors,	\$ 8,000	00
Executive Offices,	2,500	00
Public Printer,	20	00
Distributing Acts and Journals, Dec. Session, 1832,	120	00
Ditto ditto 1833,	350	
Criminal Prosecutions,	15,000	00
Public Communications,	900	00
Contingent Expenses,	2,000	00
Salaries of the Executive and Judiciary Officers,	30,000	00
Military Expenditures,	600	00
For the support of Idiots,	13,000	00
Decisions of the Court of Appeals,	3,500	00
Clerks Services,	9,000	00
Deaf and Dumb Asylum,	3,500	00
Money Refunded,	400	00
Public Roads,	50	00
Sheriffs Comparing Polls,	500	00
Slaves Executed,	3,000	00
Commissioners of Tax.	7,000	00
Sheriffs for Revenue overpaid,	300	00
Turnpike Roads,	35,000	00
Legislature, Dec. Session, 1833, including all Expen-		
ses, supposing the Legislature to sit eight weeks,	40,000	00
Lunatic Asylum,	9,000	00
The second of th		-

Total amount expected to be expended during the year ending on the 10th day of October, 1834, \$183,740 00

No. 8.

A STATEMENT of moneys which is expected to be paid into the Treasury during the year ending on and including the 10th day of October, 1834, subject to the expenses of Government, viz:

The gross amount of Revenue collectable by sheriffs for the year 1833, and made payable on the first Monday in December next, is

The loss on the collection of the same, including credits for commissions, exonerations, delinquents, forfeited lands, and compensation for killing Wolves,

81,654 46

(Amount forwarded)

81,654 46

(Amount brought forward,) \$81,654 46		
is presumed, will be about 12 per cent. amounting to, 9,798 53		
The delinquent sheriffs will be about, 500 00		
10,298 53		
Which leaves a sum that may be expected will be paid into the Treasury during the ensuing year, of	71,355 93	3
Of the Revenue collectable by clerks, (including tax on taverns, &c.) Register of the Land Office, and the		
Secretary of State,	16,000 00	
Miscellaneous receipts,	50 00 2,000 00	
Tax on non-residents' lands, Bank stock funds, viz: Vacant and head-right lands,	1,800 00	
For the sale of warrants, viz: To be laid		
west Cumberland river, 250 00 Ditto on forfeited lands, and to confirm		
titles to forfeited lands, 50 00		
	300 00	
For the sale of land west Tennessee river, From the balances due Government, as in statement	20,000 00	}
No. 3, will be collected of the revenue due by sheriffs	600 00)
Of amount due by clerks	3,000 00)
Of the other balances it is not supposed that any thing		
can be collected, Total amount expected to be received during the year		
ending 10th day of October 1834,	\$115,105 93	3
Balance due from Government as in state-		
ment No. 4, 14,647 05		
Amount of Statement No. 7, the supposed amount of expenditures, for 1833-4, 183,740 00		
Making a sum that may be expected will be expended		
during the year ending on the 10th day of October,	100 00W 0F	
1834, of From which deduct the expected receipts, as in the	198,387 05)
foregoing statement, No. 8,	115,105 93	3
Leaving a supposed balance due from Government, on the 10th day of October, 1834, of	\$83,281 12	2

A STATEMENT, Exhibiting the amount of Rna including the 10th day of October, 1833; the amount of expend Expenditures, viz:

REVENUE CHARGEABLE TO S

Counties.	Valuation of Property.	Tax on Property.	Auditor additional list.
Adair,	\$ 987,084	\$616 93	19 59
Anderson,	633,738	396 09	20 12
Allen,	578,818	361 76	9 90
Rockcastle,	270.913	169 32	13 67
Russell,	361,831	226 15	3 22
Simpson,	683,046	426 91	16 09
Shelby,	4,600,962	2,875 60	61 52
Scott,	3,762,700	2,351 69	88 89
Spencer,	1,311,443	819 66	22 41
Todd,	1,652,810	1,033 01	25 67
Trigg,	874,352	546 47	34 56
Union,	825,415	515 89	11 94
Wayne,	730,585	456 62	6 51
Woodford,	3,333,986	2,083 74	65 62
Warren,	1,773,253	1,108 29	27 05
Whitley,	246,142	153 84	6 90
Washington,	2,873,323	1,795 83	54 27
	\$126,601,004	79,125 87	2,287 35

By special Resolution of the Senate—December Session on lands granted under the acts of 1795–6 and 1800, (deno Commencing on the 15th day of September, 1796, (bein there has been paid at the Treasury, the sum of During the same period, the drawbacks for lost lands, cleates, amounts to

Nett amount received,

Frankfort, Kentucky, October 10, 1833.

A STATEMENT, Exhibiting the amount of Revenue, receivable by the Sheriffs and Clerks of each County, during the year ending on and including the 10th day of October, 1833; the amount of expenditures of each County during the same time; and, also, the difference between the Revenue and

TE EL A	VENUE CHA	LISCHIE ALBEI	le TO	HERI		Ditto	Total Reve	enue		Expe
Counties.	Valuation of P perty.	ro-Tax on Property.	Audito additiona list.	r's Clerl additionalist.	Total Rev nal chargeabl to Sheriff	'n. Tax on La	Sheriffs a	and of Expend	i- Revenue	excee
Adair, Anderson,	\$ 987,08		19 59		\$636 5	2 \$151 5				
Allen,	633,73 578,81		20 12 9 90		416 2	1 252 5	0 968			
Boone,	1,874,62		34 22		371 6	6 230 5	0 609			
Bracken,	878,16	548 86	3 36		1,205 8		0 1430			
Bourbon,	6,629,53		80 50		4,223 9	1 .00 . 20	759	47 342 33		
Butler,	261,703		2 67		166 2	3 749 56 66 56	29020	46 1,030 28	3,943 18	
Barren, Bullitt,	2,011,92		50 11	4 0	8 1 1.308 9	452 00	WO			\$214
Breckenridge,	818,908 1,047,382	511 82	11 40	0 0	3 528 2	202 00				
Bath,	1,615,736	654 62	9 19 24 13		7 676 18	8 267 00			1007	
Casey,	392,394	245 25	21 97		1,033 9	7 291 50	1 325			
Clay,	367,572	229 74	4 10		267 25 233 84		377	22 155 91		
Caldwell,	1,219,653	762 29	25 26		1 791 16		0.10		44 33	
Sumberland, Sampbell,	935,608		12 35		597 11	179 75		91 352 79		
Christian,	1,839,563 2,532,313		17 33		1,167 06	495 25	776 1,662		273 59	
larke,	3,557,059	1,582 69 2,223 16	85 92 27 76	74 61		441 50	2 184	72 1,150 91	894 71 1,033 81	
alloway,	545,407	340 88	8 41		2,250 92	372 50	2.693		1,486 77	
aviess,	818,805	511 78	23 53		349 29 535 31		532	29 254 22	278 07	
dmondson,	266,034	166 27	7 78	57		1 200 00	000	31 509 60	188 71	
still,	382,939	239 34	16 23	0,	255 57		70.20		61 61	
ayette,	8,580,804	5,363 01	101 26		5,464 27		000		110 81	
loyd, leming,	292,609	182 88			182 88	149 50			4,192 36	
ranklin,	2,194,344 2,063,604	1,371 47	11 99		1,383 46	324 05	1.707		647 07	67
allatin,	1,120,398	1,289 76 700 25	27 66 37 11		1,317 42		1.784 9	92 743 42	1,041 50	
reenup,	722,431	451 52	4 68	20 39	737 36		966 8	86 503 54	463 32	
een,	1,976,859	1,235 54	28 45	20 39	476 59 1,263 99		.00		4 46	
ant,	350,906	219 32	24 23		243 55	353 50 138 50	7-4-		806 12	
raves,	348,440	217 78	4 05	2 28	224 11	82 50	382 (306 (113
ayson,	312,811	195 51	12 60		208 11	91 50	299 6	31 713 86 31 416 96		407 9
enry,	2,131,791 1,943,481	1,332 37	27 07		1,359 44	314 50	1,673 9		424 07	117 3
art,	603,213	1,214 68 377 01	64 41		1,279 09		1,279 0		526 47	
arlan,	188,665	117 92	12 39		389 40	165 50	554 9	0 221 01	333 89	
enderson,	1,279,740	799 84	48 34	7 28	117 92 855 46	77 50	195 4	2 643 91		448
pkins,	774,520	484 08	26 67	6 43	517 18	232 00 192 50	1,087 4		705 38	
ckman,	699,818	437 39	15 29	1 30	453 98	203 50	709 6 657 4		357 20	
rdin,	2,511,810 1,865,549	1,569 88	134 40		1,704 28	388 00	2,092 2	8 506 34 8 1,066 69	151 14	
ncock.	253,216	1,165 97 158 26	24 47		1,190 44	313 00	1,503 4		1,025 59 1,125 85	
ferson,	9,756,363	6,097 73	8 68 172 83	1 06	168 00	68 00	236 00	295 51	1,120 00	59 5
samine,	2,270,226	1,418 89	18 57		6,270 56 1,437 46	50 00	6,320 56	5 5.354 75	965 81	00 0
ox, wis,	392,348	245 22	3 83		249 05	340 50 80 00	1,777 96		1,321 73	
icoln,	622,510 2,341,350	389 07	12 06		401 13	153 50	329 05 554 63			31 63
irel,	145,709	1,463 35	36 95		1,498 30	363 38	1,861 68		89 89	
wrence,	247,935	91 07 154 96	1 25		92 32	46 50	138 82	344 39	1,239 21	205 57
ingston,	911,550	569 72	8 83		154 96 578 55	54 50	209 46	178 45	31 01	200 01
an, ilenburg,	2,561,631	1,601 02	46 57	77	1,648 36	211 50	790 05		181 61	
lison,	672,267	420 17	6 33		426 50	305 00 145 50	1,953 36 572 00		679 97	
itgomery,	3,717,512 2,338,372	2,323 45	34 44		2,357 89	538 00	2,895 89		165 64	
cer,	3,475,582	1,461 49 2,172 24	47 20	98	1,509 67	306 50	1,815 67		1,613 25 842 79	
gan,	221,483	138 43	27 02	9.00	2,199 26	551 62	2,750 88	2,452 70	298 18	
on,	2,998,609	1,874 13	72 72	2 06	140 49 1,946 85	70 50	210 99	236 65	100 10	25 66
roe, de,	553,982	346 24	7 24		353 48	848 50 168 00	2,795 35	768 54	2,026 81	
racken,	657,964	411 23	12 74		423 97	158 00	521 48 581 97	234 06	287 42	
olas,	184,938 1,380,367	115 59	1 25	15	116 99	79 00	195 99	249 39 369 43	332 58	~0 44
on,	0.04.	862 73 2,033 96	59 18		921 91	214 25	1,136 16	644 46	491 70	73 44
,	467,202	292 00	14 94 19 13	14 22	2,063 12	410 50	2,473 62	874 05	1,599 57	
1,	711,233	444 52	21 10		311 13	118 50	429 63	448 97		19 34
am,	1,425,873	891 17	70 68		465 62 961 85	180 50	646 12	501 82	144 30	
ki,	784,662	490 42	18 13		508 55	287 00 176 75	1,248 85	537 07	711 78	
eton,	182,517	114 08			114 08	43 50	685 30 157 58	460 32	224 98	40 00
0.011,	435,477 178,271	272 18 111 42	8 46		280 64	152 00	157 58 432 64	1,000 45	236 73	42 87
castle,	270,913	169 32	13 67		111 42	52 25	163 67	443 85	200 13	280 18
ell,	361,831	226 15	3 22	5 73	182 99 235 10	64 00	246 99	607 81	18	160 82
son,	683,046	426 91		4 13	447 13	83 50 172 75	318 60	252 70	65 90	
Dy,		2,875 60	61 52		2,937 12	683 50	619 88 3,620 62	480 16 1,064 99	139 72	
cer,	3,762,700 1,311,443	2,351 69	88 89		2,440 58	498 50	2,939 08	1,725 35	2,555 63 1,213 73	
		819 66	22 41		842 07	230 50	1,072 57	430 75	641 82	
5,	874,352	,033 01 546 47		3 23	1,071 91	228 50	1,300 41	627 17	673 24	
1,	825,415	515 89	34 56		581 03 527 83	290 00	871 03	264 53	606 50	
ne,	730,585	456 62	11 94 6 51 3	3 79	496 92	171 00 183 50	698 83 680 42	555 70	143 13	
ford,	3,333,986 2	,083 74	65 62		,149 36	413 00	2,562 36	461 53	218 89	
en, ey,	1,773,253 1	,108 29			,165 21	336 50	1,501 71	756 34 525 94	1,806 02 975 77	
ington,	246,142	153 84	6 90		160 74	58 00	218 74	1,091 18		2 44
			54 27			439 00	2,289 10	1,463 94	825 16	44
The second secon	\$126,601,004 79			THE RESERVE AND THE PARTY OF TH	AND DESCRIPTION OF THE PARTY OF	The state of the s	Supplied by the same of the sa			TANKS OF THE PARTY

By special Resolution of the Senate—December Session 1832, a calculation has been made of the whole amount received at the Treasury—on lands granted under the acts of 1795–6 and 1800, (denominated Headright lands,) viz:

Commencing on the 15th day of September, 1796, (being the first payment) and ending the 10th day of October 1833, there has been paid at the Treasury, the sum of

During the same period, the drawbacks for lost lands, claims over paid, and also, including the pay of Military Certificates, amounts to

\$659,024 46

\$640,736 28

Nett amount received,

APPENDIX TO AUDITOR'S REPORT.

A Statement shewing the situation of the Treasury, (each year,) from the 10th day of October, 1823, to the 10th day of October, 1833, inclu-
sive—also, shewing the amount of receipts and expenditures, same time, viz:
General expenses from the 10th day of October, 1823, to the 10th day of October 1824, including all appropriations made by the Legislature
Total expenditures,
Profits from the Bank of the Commonwealth of Kentucky, \$66,797 91 Distribution from the Bank of Kentucky, 59,670 00 Money refunded by Clay and Rowan, commissioners te Virginia 5,512 00 General receipts of Revenue, Vacant Lands, &c. 125,143 06
Total receipts
Making,
Leaving a balance due from the Treasury, on the 10th day October, 1824,
The balance standing on the books, as due from the Treasury, in Commonwealth's paper, on the 10th day of October 1824, \$36,467 54 There was in the Treasury, at the above date, \$500 in specie, equal in Commonwealth's paper, to \$1000 00 Also a \$20 Illinois note, equal in Commonwealth's paper, to
Making
Which will leave an amount due from the Treasury, in Commonwealth's paper, as stated above,
General expenses from the 10th day of October, 1824, to the 10th day of October, 1825, including all appropriations made by the Legislature,
Total expenditures,

78	AUDITOR'S REPORT.	[Jour.
	(Amount brought forward,)	\$302,072 33
Amount do	ue from the Treasury, in Commonwealth's paper, on day of October, 1824,	36,467 54
Receive Distribution Profits from Amount real River, General real real real real real real real	Making wed same time, on from Bark of Kentucky, so from Bark of Kentucky, the Commonwealth of Kentucky, eccived from the sale of lands west of the Tennessee eccipts of Revenue, Vacant Lands, &c. 11,400 115,206	00 71 00 47
	Making,	\$312,095 18
paper,	a balance due from the Treasury, in Commonwealth's on the 10th day of October, 1825, of	\$26,444 69
Same dat Iilinois m	e, still in the Treasury, (in specie)	00
day of Legisl Stock sul Entertai	expenses from the 10th day of October, 1825, to the 10th October, 1826, including all appropriations made by the ature,	3 50
Balance	Total expenditures	239,100 90
Rec	Making · · · · · · · · · · · · · · · · · · ·	
Distribu Profits f	trion of stock, by the Bank of Kentucky,	9 80 01 89
10.00	Making · · · · · · · · · · · · · · · · · · ·	. 244,725 01
Leavin Octo	g a balance due from the Treasury, on the 10th day of ber, 1826, in Commonwealth's paper, of	20,820 58
Specie Balance		00 00
Makin	g on hand the 10th day of October, 1826, specie · · · ·	. 1000 00
	Illinois money	20 00

General expenses from the 10th day of October, 1826, to the 10th day of October, 1827, including all appropriations made by the
Legislature,
Total expenditures,
Making
Received same time,
Distribution from the Bank of Kentucky, 59,670 00
Profits of the Bank of the Commonwealth of Kentucky, 36,115 17
Sale of lands west of the Tennessee river,
110,000 01
Making
Leaving a balance due from the Treasury, on the 10th day of Oc-
tober, 1827, in Commonwealth's paper, of
Specie remaining in the Treasury, on the 10th October, 1826, . 1000 00 Appropriated to the Governor of the state of Ohio, 209 40
Balance in the Treasury, on the 10th day of October 1827,
General expenses from the 10th day of October, 1827, to the 10th day of October, 1828, including all appropriations made by the
Legislature, · · · · · · · · · · · · · · · 154,509 27
Stock subscribed in the Bank of the Commonwealth of Kentucky, 29,835 00
Tracel and the second s
Balance due from the Treasury, on the 10th of October, 1827,
Making
Distribution from the Bank of Kentucky
Profits of Bank of the Commonwealth of Kentucky, 10,486 27
Sale of lands west of the Tennessee river,
General receipts of Revenue, Vacant Lands &c 85,111 09
Making
Leaving a balance due from the Treasury, on the 10th of Octo-
ber, 1828, in Commonwealth's paper, of
Specie in the Treasury still,

General expenses from the 10th day of October, 1828, to the 10th		THE PARTY OF THE P
	5,615 08	学 是 等
Rank of the Commonwealth of Hentaly,	,835 00	
Pay of military certificates, received in discharge of Freday	28 54	
Lands,	20 04	
Total expenditures,		177,573 32
Total expenditures, Balance due from the Treasury on the 10th day of October, 1828,		30,958 09
Making		208,531 41
Received same time,		
- c distribution of stock	29,835 0	
B C. Sthe Bank of the Commonwealth of Rentacity	23,116 7	5 E
a	23,196 1 77,917 9	
General receipts of Revenue, Vacant Lands, &c.	11,911 3	
Making · · · · · · · · · · · · · · · · · · ·		154,065 80
Leaving a balance due from the Treasury, on the 10th of Octo-		100 01
ber, 1829, in Commonwealth's paper, of		54,465 61
	790 6	30
Specie still in the Treasury, Illinois money,	20 0	
Tilliois money,		tin 2 x UST 1
AND THE PARTY OF T		
1000 to the 10th		
General expenses from the 10th day of October, 1829, to the 10th		
day of October, 1830, including all appropriations made by the	41.047	10
	3.561	00
	563	91
Internal Improvements, Stock subscribed in the Bank of the Commonwealth of Kentucky,		
Total expenditures		160,089 81
Balance due from the Treasury, on the 10th October, 1829,		54,465 61
		214,555 42
Making		
Received same time,	14 017	50.
To 1 C Wentucky	15 019	11
General receipts of Revenue, Vacant Lands, de-	04,022	
Making		131,133 36
Leaving abalance due from the Treasury, on the 10th of October,		83,422 06
1830, in Commonwealth's paper, of		Maria de la Companya

Specie, Received as distribution from Bank of Kentucky,	
Making	15,708 10
Making · · · · · · · · · · ·	15,708 10
Illinois money,	
General expenses from the 10th day of October, 1830, to the 10th day of October, 1831, including all appropriations made by the Legislature,	
Total expenditures	195,672 61 83,422 06
Making	
Making Leaving a balance due from the Treasury, on the 10th of October, 1831, in Commonwealth's paper, of	185,600 50
Specie, Stock subscribed in the Bank of the Commonwealth of Kentucky, during this year,	0
Amount received this year,	29,835 00
Leaving a balance due from the Treasury, in Specie, on the 10th day of October 1831, of	18,035 41

General expenses from the 10th day of October, 1831, to the 10th day of October, 1832, including all appropriations made by the Legislature,	
Total expenditures,	
Making · · · · · · · · · · · 2.	56,641 62
Received same time,	
For distribution of stock in the Bank of Kentucky, 14,917 50 For profits in the Bank of the Commonwealth of Kentucky, 24,151 85 For sale of lands west of the Tennessee river, 32,428 59 General receipts of Revenue, Vacant Lands, &c 88,783 78	
Making	.60,281 72
in Commonwealth's paper	96,359 90
Specie,	
Postage paid	.46,998 99 18,03
Making · · · · · · · · · · · ·	65,034 40
Amount received from Bank of Kentucky, for the distribution of stock,	13,859 34
Balance due from the Treasury, on the 10th of October 1832,	51,175 06
The state of the s	
General expenses from the 10th day of October, 1832, to the 10th day of October, 1833, including all appropriations made by the Legislature, 137,397 02 Taylorsville bridge,	
Total expenditures,	167,848 43
Balance due from the Treasury on the 10th of October, 1832, in Commonwealth's paper, of	96,359 90
Making	264,208 33

Received same time, Lands west of the Tennessee river	
Making	
Making · · · · · · · · · · · · · · · · · · ·	264,208 33
Specie, 103 00 Postage paid, 9 00 Rockcastle bridge, 50 00 Rent of Adjutant General's office, 25,530 71	
Making	25,692 71 51,175 06
Making Distribution received of the Bank of Kentucky, Received for sale of lands west of the Tennessee river, Canceled in the Bank of the Commonwealth of Kentucky, 56,910 77	76,867 77
Stock owned by the State, on the 10th of October, 1833,	76,867 77
Bank of Kentucky, Bank of the Commonwealth of Kentucky, (Specie) Do Do Commonwealth's paper, 472,409 50	95,472 00
	474,110 57
Turnpike Roads, Maysville, Washington, Paris and Lexington, (Com'w. paper) 14,285 70 Shelby County	
Maysville, Washington, Paris and Lexington, (Specie) 62,500 00 Shelby County 7,010 78	
Taylorsville Bridge,	09,310 76
Commonwealth's paper,	
- Species	3,278 56
Total	\$707,145 56

[C.]

REPORT

OF THE

Board of Commissioners

FOR THE

IMPROVEMENT OF GREEN RIVER.

The undersigned beg leave to report, that in accordance to the act of the legislature of Kentucky, entitled "An act to remove the obstructions to the navigation at the falls of Green river, and other purposes," and passed——183-, Dillis Dyer, Simpson Stout, Stephen Ashby, Henry Shanks, and James R. Skiles, met on the first Monday in May, at the town of Hartford, and according to the requisitions of said act, gave the necessary security, and took the oath qualifying them as commissioners, and organized their board, by electing James R. Skiles, president, and Dillis Dyer, secretary.

Notwithstanding the lateness of the season, at which this first meeting was held, and the very considerable time which the board knew must be consumed in providing competent engineers, they felt a strong hope, that by vigorous and prompt action, they might be able to carry forward the views of the legislature immediately, and make a beginning of this very desirable work, during the season

directly ensuing.

With this view, the board, at the first meeting appointed a committee consisting of Messrs. Dyer and Stout, whose duty it should be to take the earliest measures of ascertaining where Engineers might be procured, with the power to call a meeting of the board at Morgantown, as soon as satisfactory intelligence should be obtained.

This committee addressed Gen. A. Lacock, of Pennsylvania, for information on this subject, and upon receiving his answer, called a

meeting of the board.

At this meeting the board, without dissent, determined to make propositions to Gen. Lacock, and to avail themselves of his acknowledged skill, acquired by long and useful service on the public works of western Pennsylvania.

They accordingly requested his personal services, and authorised him to employ for them a practical engineer, who with himself

should meet us at the falls of Vienna, and commence the survey on the 1st of June.

To this proposition he acceeded, except as to the time, urging the re-appearance of the Cholera as a reason for postponing the meeting until the first of October. That dreadful scourge, then threatening to bring its ravages to our own homes, induced the commissioners, though reluctantly, to acquiesce in this arrangement.

On the first of October, Gen. Lacock, accompanied by Mr. M. R. Stealy, of the Pennsylvania Canal, met the Commissioners at the Vienna falls. This fall was first surveyed, and the estimates for the works necessary to improve them falling within the sum designated in the proviso of the 3d section of the act, the Board accordingly proceeded to the general survey of all the falls.

The able and satisfactory report of the Engineers, which has met the entire approbation of this Board, and which we doubt not will be gratifying to every member of the legislature, is hereto appended

and forms a part of this report.

From the estimates appended to their report, it will be seen that the comparatively small sum of \$69,000 will convert 107 miles of Green river into a slack water canal, for vessels of 200 tons burthen, and interrupted throughout this distance by two locks only, requiring from 20 to 25 minutes for the passage of each. It may be fairly inferred from the same estimates, that the addition of another dam and lock, at the probable cost of \$30,000, will lengthen this navigation to the mouth of Barren river, say 150 miles from the Ohio river.

It will likewise be seen that, although the fall of Vienna can be improved at an expense within the \$25,000, the addition of \$9,000 to that sum, will supercede the necessity of constructing another work at Hogg's falls, only 16 miles above, at a cost of from \$20 to \$25,000.

By the union of these two works much expense will be saved, and the too frequent occurrence of locks, so detrimental to Steam Boat navigation, be avoided. We beg leave, earnestly, to press this subject upon the attention of the legislature, not doubting that the result will be an immediate appropriation for the

purpose of erecting these two works at Vienna.

In order to provide for this contingency, this board determined that in letting the contract for the lock and dam at Vienna, they would stipulate that the plan should be enlarged so as to embrace this object, provided the legislature should make the additional appropriation. But determined also, until it should be thus acted upon, to confine themselves to what they considered to be the strict letter of the law, and positive contract for the work at the lowest estimate, only. The board, before its adjournment, advertised the letting of the lock and dam at Vienna, to take place on the

3rd Monday in December, proximo, this being the latest period at which they could rely on the continuance of low water, which they considered of great importance, as at such a stage of water many facilities would strikingly be presented to the contractors which might be hid by a rise of water.

They also requested Gen. Lacock to give them such information, as might come within his knowledge, touching the employment of a suitable engineer for the direction of the work. From information obligingly furnished by him to this board, we have no doubt of being able to procure the services of a gentleman, every way com-

petent to the task, for \$1000 per annum.

From the confluence of Green river up to Spott's, or the first fall, is eight and five eighths miles, this is the finest winter harbor, for boats on the Ohio river. The channel is as broad as the river, and the least depth of water five feet, according to the map furnished by the war department, which as far as it has been tested by re-

survey has been found to be very accurate.

Spott's fall varies with the rise and fall of the water in the Ohio river, probably never exceeding two feet. A large portion of the year, embracing all that season now used for shipping produce from Green river, it is flooded entirely, presenting no obstacle to boating. Above this two and a half miles, is Lick creek ripple, three inches fall, and intermediately between this and Winnegan's fall, is a long and occasionally interrupted shoal of large rocks.-Six and one eighth miles above Lick creek is Winnegan's fall, of six and a halffeet nearly.

This fall is composed of different strata of the finest building stone, from 8 to 13 ichnes in thickness, and of any useful length and breadth, which may be taken to Spott's fall at a very small expense

by water.

Winnegan's fall, although often a hindrance to the passage of the river, is, for the most part, made passable by the back water of the

Ohio during the boating season.

Above this fall is an uninterrupted sheet of water from 140 to 150 yards wide, reaching to the Vienna fall, a distance of 491 miles, and presenting no let or hindrance to navigation, except the numerous land and timber slips from the banks. The average

depth of water by the map above referred to, is 35 feet.

Vienna fall is eight feet and four tenths, and consists of an inclined plain, almost regular, 750 yards long, and is composed of shelly stone, between freestone and slate. This material may be prised up in great quantity upon the falls, and will do well for filling in the cribs of the dam, though not for masonary. A great abundance of heavy freestone is found, however, within 10 miles by water and 3 or 4 by land.

Upon the the smooth and beautiful foundation, which rises six feet in either bank, the board determined to commence the first improvement, Vienna presenting nine times out of ten the first obsta-

cle to the navigation of Green river.

No question arose as to the propriety or necessity of building a dam and lock here. The distribution of fall below forbiding the idea of overcoming these great rapids by any work which could be prudently erected either at Winnegan's or Spott's fall. It was also found, by surveying the river above, that it was necessary to raise a column of water 6 feet deep on the head of this fall, instead of excavating a channel, in order to give sufficient depth of water on Houston's and Rough creek bars, the first only three and five eighths miles, and the latter eight and one eighth miles above Vienna. Add to this the fact before mentioned, that the superadded expense of \$9,000, without endangering the works at Vienna, and greatly improving the value of the water power there, would best improve Hogg's fall, and save 12 to \$15,000. Nun's ripple, also 20 miles above Hogg's fall, will, by this plan of improvement, be deepened between 3 and 4 feet, and as there is now at low stage about two feet of water there, it is highly probable that the river would be improved to the mouth of Muddy river by the dam at Vienna.

This board cannot, without swelling this report to an unreasonable length, say all that might be said in relation to this very interesting improvement. But they beg leave respectfully to call the attention of the legislature to the subject, by the following summary of views, which the most accurate investigation of the subject, and the most ardent desire for the substantial and permanent improvement of this uncommon river, have deeply impressed upon the con-

victions of this board.

By carrying into execution the plans now laid before you, for the improvement of this important channel of commerce, free access will be had at all seasons of the year, for boats drawing 5 feet water, to the first dam of 13 feet high; over this they will pass a stream affording about 30,000 cubic feet of water per minute. This water power so near the Ohio river, and in the midst of a fertile territory, must become of immense value, not only for the purposes of manufacturing grain and converting timber into lumber, but ultimately for many other important manufactures. It will probably be one of the finest sites for ship building on the western waters. The oaks on Green river, not being surpassed in quantity or quality by those of any other section in the United States.

The site at Spott's fall, it will be seen by reference to the map, seems to have been prepared by nature for the erection of the contemplated works. A natural canal passes round the southern end of the fall; across this, above and below the site of the lock, coffer dams may be built at an expense comparatively trivial, and when water is pumped out of the enclosed section, a dry foundation, upon a solid rock, requiring but little if any excavation, will be presented for the only lock on this river, which must be commenced under

the level of the surface of the water. After the lock is built, the island may then be cut through and the dam connected with the lock.

By this dam it is intended to back the water a sufficient depth into the lock at Vienna falls, which will be previously built. As the water can, at any time suitable for the construction of such works, be drawn off through the lock at Vienna, each of the succeeding works above may be built on dry foundations, free from the expense and risk of coffer dams and the constant expense of bailing.

Four of these dams will occur on the proposed plan below the mouth of Barren; the first has been noticed, and the second at Vienna 57 miles above, next presents itself to our notice. The water power here is almost beyond any demand; the volume of water measured, at Houston's ripple above this, was 28,581 cubic feet per minute. Suffice it to say that machinery to an immense extent might be here run with but little interruption during the whole year.

This dam will be 12 feet high and it is believed from the best information that it will make Rough creek perpetually navigable

to the town of Hartford.

The third dam and lock will be built either at the mouth of Muddy river, or at Nun's ripple three miles below, and will be from 35 to 40 miles above Vienna. Materials of the best kind for the work are near at hand, particularly free stone. Solid rock bottoms, and on one side rock banks, at both sites. This dam will back the water up Muddy river probably 15 miles, and overcome more than half the lift necessary to make a canal or slack water navigation to the town of Russellville.

The fourth dam will be located at, or just below the mouth of Barren river, and must affect both of those streams to the distance of 25 miles up Green river and 15 up Barren. The latter stream requiring an expenditure of not more than \$30,000 to improve it to the town of Bowling-green.

The system of slack water navigation justly deserves the preference in the improvement of all streams, where the fall or oth-

er natural causes do not prevent its adoption.

In this stream, its decided superiority over every other plan is most obvious. At every point of location, the dams and locks will stand, where the breadth of the river is from 100 to 150 yards greater than its usual channel. The volume of water will consequently never be compressed within narrow and dangerous limits; and in every instance the lock can, with perfect safety, occupy a part of the bed of the stream, without excavation for either dams, locks, or abutments, except merely to level foundations.

The excellent bottoms and banks of this river admit the construction of dams capable of resisting any posible pressure. Its

very moderate fall and consequent gentleness of current, increase

the safety of the works. But above all it requires but 3 locks and dams for steam boat navigation of 150 miles through a country possessing immense resources, which will be immediately developed by this improvement; possessing thousands of acres of land, which in its present insulated situation, can be bought for from 25 cents to \$2 per acre, the best of which is capable of yielding the hand of industry as rich a reward as any soil in the state. While the poor and the rich are covered with forests of the finest timber, which seems inexhaustible.

Except at the locks there will be no detention, and the lowest tides will be the best for navigation, and boats may run up or down with the speed and safety afforded in the Ohio.

The water will be considerably increased in breadth, and innumerable snags in the upper section of the river, and many dangerous rocks and fish dams will be so far sunk below the surface as to be forever out of the way of boats.

It is also certain that between 60 and 80 miles of Pond river, Panther creek, Rough creek and Muddy river, will be made perpetually navigable for Keels or Canal boats.

We will now institute a comparison between the expense of of this improvement, according to the estimates of Messrs. Lacock and Stealy, (in which we have the utmost confidence,) and the cost of other artificial or improved natural channels of commerce and intercourse, in other parts of the Union.

	Cost per mile
1st. The great Eric canal, for tow boats of—tons	
burthen; its length 363 miles, total cost, \$10, 000,000 00.	\$27,548 00

2d. Oswego canal, 38 miles long, half canal, the other half slack water navigation, 14 locks; total cost, 525,115 00.

3rd. Cayuga and Seneca canal, 20 miles long 11 locks of wood; total cost, 214,000 00.

4th. Lackawaxen canal, Pennsylvania, width at surface 32 feet, bottom 20 feet, depth 4 feet, united with the Delaware and Hudson canal, and 17 miles of Lackawaxen river, is 117 miles of navigation.

5th. Conastoga navigation, 18 miles long, all slack water, locks 100 feet by 22,

6th. Chesapeake and Delaware canal, 13 and five eighths miles long, locks 100 feet by 22; total cost, 2,200,000 00.

13,819 00

10,700 00

16,000 00

4,000 00

157,000 00

6th. Baltimore and Ohio rail road, average cost of a single track \$15,500, per mile, of double track, 27,128 00 27,128 00, breadth of tract 4 feet 9t inches, 7th. Baltimore and Susquehanna rail road, 7 miles completed at an expense of 13,350 00 per mile, 13,350 00 7th. Maysville and Lexington Turnpike, average cost per mile 5,000 00, road way 60 feet wide, 5000 00 McAdamizing 20 feet broad and 9 inches deep 8th. Green river slack water navigation, from 125 to 150 yards broad, 150 miles long, 3 locks and dams, total cost will be about 100,000-average cost of each work, 33,333—locks 140 feet by 36; 733 33 5 feet deep,

Before closing this report, the board will further represent, that they would have laid before your honorable body, specifically the expense of improving Barren river to Bowling green, and Green river to Munfordsville, if data to form the estimates upon had been in their possession. But the survey of the United States' Engineers only extended up Green river to the mouth of Barren river, and

up Barren river 9 miles above its mouth.

The war department, some time past, forwarded a map of this survey to the President of this board. This map, if the field notes could be procured, would, we have no doubt, put the board in possession of the most accurate knowledge of the river, to the point

on Barren river, where the survey was discontinued.

In submitting the above views, they have already travelled without the purview of the law, but they have done it, believing that the legislature would be put in possession of facts which they might not otherwise acquire, and which we hope will induce them at once to lay a large portion of this improvement, if not all, under contract during the next season. By this course the competition would be much greater among Contractors, the contracts taken at lower rates, and the work not only be made unprecedently useful, but be made to yield a revenue, beside putting the state into possession of a water power at the various dams of great and increasing value.

On the third Monday in December last, and after the above part of their report was made out, the board, in pursuance of notices inserted in Louisville, Cincinnati, Beaver and Pittsburg papers, met at the Vienna falls, to let out the lock and dam at that

place.

They had the pleasure of finding bidders enough upon the ground to produce competition; seven gentlemen being there from Pennsylvania, Virginia and Kentucky, prepared to make proposals for the work.

From some of these, information was derived which led the Commissioners to doubt the quality of the rock upon which we

had relied previously for the masonry, and from further examination, immediately had, our doubts were greatly increased in relation to many heavy quarries in the immediate vicinity. The board determined to take bids for a wooden lock, as well as stone, not only for the purpose of having wider scope for future choice, but to produce more necessity on the part of the masons present to reduce the price of stone work to the most reasonable standard.

The bid of Mr. James Glenn, who has been engaged on the Frenchtown division of the Pennsylvania canal, was accepted, under the condition set forth in the contracts, copies of which are hereto annexed. This condition is, that a stone or wooden lock

shall be built at the option of the Commissioners.

He engages by these contracts to build a dam and stone lock, with a view to improve Vienna falls alone, for about \$30,000 00

For the same object, a dam and wooden lock will cost about

20,840 00

A dam and stone lock, as recommended by Messrs.

Lacock and Stealy, for the improvement of both falls, Hogg's and Vienna,

42,000 00 25,000 00

A dam and lock of wood for the same purpose 25,000 00

To defray the expenses of surveying the falls, the board have drawn upon the Treasury for \$660, about \$30 of this remains in the hands of the treasurer of our board. For the manner in which this money has been disposed of, the board have in the hands of their clerk regular vouchers, and books in addition to these will be kept, from which the most satisfactory statements of the disbursements of the public money will be made out whenever the legislature shall think proper to call for them.

The board have engaged the services of Mr. William B. Foster, now principal assistant engineer on the Susquehanna canal, Pennsylvania. His salary will be \$1000 per annum; he comes highly

recommended from Gen. Lacock.

His business will be to examine and pass, or reject every material whether of stone, wood or iron, which is prepared for the work, and to superinted its construction throughout, upon scientific principles, and according to the most approved practice on the various public works with which he is intimately conversant.

He will purchase and bring out with him for the state, a leveling instrument, cost about \$120; and this board respectfully represents to your consideration, the propriety of employing him at such intervals of leisure as may be presented from his duties at Vienna, (if any) in surveying that portion of Green river, not yet surveyed, and Barren river up to Bowlinggreen. Muddy river, Pond river and Rough creek, might also be surveyed to some distance above their mouths, and information be thereby obtained which this board believe to be of the deepest interest to the several sections of the country through which they pass.

We respectfully recommend to the legislature to provide, by law, for the condemning of banks, timber and quarries of rock, and for the sale of water power, which will be afforded at Vienna.

If the field notes of the survey made by the United States' engineers, and the map and profile of the river could be procured from the war department, it would be very desirable; this would be promptly rendered, if, as we believe, the state of Kentucky defrayed the expense of said survey.

Although we greatly regret that the difficulty of getting hard stone near the falls has increased the price of masonry above the estimates of the Engineers, and will make a greater appropriation necessary than was expected, yet this board hesitates not to recommend to your honorable body to adopt the enlarged plan and the stone lock, and thus secure to this important improvment a degree of usefulness and durability, worthy of the age in which we live.

For the board,

JAMES R. SKILES, President.

Bowlinggreen, Dec. 26, 1833.

The map of the falls and drawings of the works at Vienna, are submitted to the inspection of the Legislature.

To Gen. A. Lacock and M. R. Stealy, Esgrs.

Gentlemen—You having been appointed by an order of the Board, to make a survey and estimate of the principal falls of Green river with a view to the improvement of its navigation; to enable you to discharge the trust reposed in you, we furnish you with a copy of the law under which we derive our authority, which you will please consider as official instruction, and restraining your discretion in relation to the contemplated improvement.

Respectfully,

JAS. R. SKILES, STEPHEN ASHBY, DILLIS DYER, SIMPSON STOUT.

October 2, 1833.

To the Board of Commissioners for the improvement of the navigation of Green River.

Gentlemen:—The undersigned, on the 2d October, agreeable to instructions, commenced the survey and examination of the prin-

cipal obstructions in Green river, namely: Hogg's falls, those at Vienna, and Winnegan's, with some intermediate ripples.

When at Winnegan's falls we, anxious to possess a perfect knowledge of the river with a view to its improvement, concluded to visit and level Spotts' fall 8 5-8 miles below, and the last on the stream.

Before, however, we proceed to give in detail our views of the best method of improving this beautiful stream, we hope it will not be thought amiss in us to express the surprise and gratification we felt when the unexpected discovery was made, that so much had already been done by the plastic hand of nature, in the formation of this region of country, and so little left for the efforts of human skill and industry to accomplish.

The country through which Green river passes in its serpentine course, from the junction of Big Barren river to the Ohio, a distance by the stream of 150 miles, appears to be based upon free stone rock, as far as it came under our notice, except at the mouth of Rough creek, where upon the margin of the stream lime stone appears in quantity. This substratum of rock has a general declination corresponding with the course of the river, but the surface of this inclined plain is broken by ridges or bars of the same rock, which throw themselves in a transverse or diagonal direction across the stream, and thus form natural dams or barriers to its current, leaving pools or basins between them of great depth, and many miles in length, in which, when the river is low, the water appears almost at rest.

Although a superficial observer might consider those obstructions to the river navigation a permanent evil, yet we entertain no doubt, that by the judicious application of a sum small in amount, when compared to the magnitude of the object to be attained, these falls may prove valuable auxiliaries to the permanent improvement of the stream as well as the most eligible sites for water power.

The important facts we have thus ventured to suggest or assume, will, we flatter ourselves, be confirmed by the result, should the experiment be fairly tested.

We shall next take into consideration the different plans that have been usually adopted for the improvement of similar streams.

1. By sluice navigation or deepening the natural channels, or cutting a new channel, so as to give a greater length to the inclined plain over which the water passes, and consequently increasing its depth as you retard its velocity.

This method, as a mean of improvement, will first present itself in a favorable light, to an observer who examines a single fall; and were there but one on Green river, such a work might give some promise of usefulness; but where, as in this case, there are a succession of falls, one above another, the adoption of this plan would be found worse than useless. To illustrate the fact, let us suppose a channel 100 feet wide and six feet the greatest depth cut through the bar at Vienna: it is easy to see that it would lower the surface of the pool above to nearly that extent, and transfer six feet of the fall at Vienna to Hogg's falls above; and not only so, but this operation would reduce the depth of water on Houston's ripple and the ripple at the mouth of Rough creek, so as to occasion at these new created obstructions, a rock excavation of little less extent and equally expensive as that which had been encountered at Vienna; and when these new difficulties are overcome, and you arrive at Hogg's falls, you there find, instead of the present fall of three and a half feet, you have added thereto six feet, the amount of the depression of the lower pool by deepening the channel at Vienna; and independent of these objections, which appear to us insuperble to a sluice navigation, the expense of these channels, if made sufficiently wide to admit the passage of steam-boats, would, in amount, far exceed what would be necessary to complete a perfect slack water navigation, upon the plan hereinafter recommended to the board.

It appears to us that the only plan by which the navigation can be improved by sluices on the rapids, is the miserable expedient of erecting wing dams, leading diagonally down the stream, so as to throw a gorge of water into a narrow channel. A miniature exhibition of such works may be seen at the numerous fish dams in our streams, and few there are, engaged in river navigation, who do not find these dams, at certain stages of the water, dangerous impediments, especially to down stream navigation; and in proportion to the height of those dams will the passage of boats be endangered, and the risk of the lives and property of those who navigate be increased. In fine, this mode of improvement has been extensively employed on the rivers in Pennsylvania, and subsequent-

ly abandoned as an useless expenditure of public money.

2. The second plan that presents itself for the improvement of Green river, is, by the erection of dams of a suitable height at the foot of the respective falls, and the excavation of a canal through the adjoining flats, and a guard lock at the entrance of the canal above, and an outlet or river lock into the pool below.

The objections to this mode of improvement, are first-increased expense incurred by the erection of so many dams, locks, &c.; secondly, the great loss of time to steam and other boats, consequent upon passing locks at such frequent and vexatious intervals.

3. The third mode, which we believe will obviate these objections, and which we beg leave earnestly and respectfully to recommend for your adoption, is slack water navigation; by which we have no doubt the improvements contemplated can be best effected, and of complete and permanent navigation afforded from the mouth as at Green river to Nun's ripple, a distance of 107 miles, by the erection of two dams and the same number of locks; and it gives us pleasure to state that stone, lime, and other suitable materials, of a good quality, may be had on the margin of the river, at a convenient distance, for the construction of the works.

The first dam should be about 13 feet high, and erected at the foot of Spott's falls, the lowest fall on the river, and within 85–8 miles of its mouth. This dam, when erected, will back the water a sufficient depth, not only over the rocky shoals at the mouth of Lick creek, but Winnegan's falls, and raise it several feet deep in the chamber of the lock at Vienna falls, where it is proposed to erect the next dam. This dam must be 12 feet high, with a lock of similar lift, and will back the water over Houston's and Rough creek ripples, and increase its depth about two feet on Nun's ripple, situated 107 miles above the mouth of Green river.

We would respectfully recommend to the board the construction of locks not less than 140 feet long and 36 feet wide, within the chambers. Locks of this size would admit the passage of steam boats of sufficient tonnage to accommodate the trade of the country, and transport to market the various productions of the extensive region embraced by the meanderings of this placid and beautiful river, and its many tributary streams, each presenting a natural canal, and calculated to be highly useful so soon as the drift wood and timber which embarrass their channels shall have been removed.

In the construction of locks, where stone of a suitable dimension and quality cannot be had, wooden locks have been substituted. Every part of such locks, however, as are not continually immersed in water, are subject to decay, and consequently want repairing, which will at such times interrupt the navigation, and vexatiously suspend the regular operations of commerce.

We would therefore recommend the erection of permanent stone locks, with a guard of the same material above the lift sufficiently high to protect the works against the floods of Green river, except as far as the rise of that stream may be influenced by the back water from the Ohio river, as in that case the works, should they be covered, would receive no injury from so gentle a current.

Crib dams, filled with stone found on the spot, are recommended. The sills of the dam must be fastened to the rock with a sufficient number of iron bolts, and where the timbers of the dam cross, and are let into each other, they must be secured by bolts or pins.

When the cribs of the dams are finished and filled with stone, they must be roofed over with plank or spars on both sides, and these planks or spars secured by large spikes or bolts to the timbers upon which they lie.

Wooden dams thus constructed upon the solid rock foundations of Green river, may be considered permanent, as sound timber

mmersed in water is not subject to decay, and we apprehend that the quantity of water in Green river will be amply sufficient, not only to supply the locks and water works which may be erected, but to throw a column of sufficient depth over the dam to keep all the timbers in a state of constant saturation.

Upon the 8th inst. (October,) the water was represented to us to be at its lowest stage, and at that time was guaged by us at Houston's ripple, above the mouth of Pond River, and taking the average of several experiments, we found its discharge to be 28,-

581 cubic feet per minute.

The pool or reservoir of water, made by the dam at Spott's fall, will be about 58 miles in length, and its mean breadth about 400 feet, this will give the enormous amount of 123 millions of cubic feet of water in the first foot depth upon its surface. The same estimate will apply for the pool above the Vienna dam, being nearly

of the same dimensions of the pool above Spott's falls.

From these data may be ascertained, with sufficient accuracy, the extent of water power which will be created, (and at points where it is already much needed,) by the erection of the proposed dam: suffice it to say, that the surplus water at the dams respectively, would, if sold by the State at a reasonable price, be, in our opinion, a complete indemnity for the expenses of their construction; and no doubt can exist that the improvement of the country, as it has done where similar works have been erected, will make this water power of immense and growing importance.

For a further and more detailed description of dams and locks, we refer the Board to the plans, specifications and estimates accom-

panying this report.

It is proper to remark that the undesigned, in the discharge of their duties, have had especial reference to the requisition of the law, furnished them by the board, and made part of their instructions. The leading object of the law appears to be the improvement of the navigation of Green river, by removing the obstructions presented by the Winnegan's, Vienna and Hogg's falls, which are considered the principal impediments.

By the erection of a dam and locks at Spott's fall, the obstruction at Winnegan's is completely removed, and not only so, but in like manner all other obstructions in the river from the mouth to the Vienna falls; and the same reasons will apply to the works proposed at Vienna, by which all obstructions in the river, of whatsoever kind, including Hogg's falls and a vast unmber of snags, will be overcome, from Vienna to Nun's ripple; and even that impediment, by an increased depth of water, will be much diminished.

And hence, it appears to us that the proposed plan of improvement, will be in strict accordance with the object and design of the

Legislature, as expressed in the law of the last session.

That the sum of \$20,000, appropriated by the first section of the act, was not considered adequate to the completion of the contemplated improvements is most obvious, from the first provise to the second section. Inasmuch as this provise gives the commissioners power to expend \$25,000 upon the Vienna falls alone. And here it is proper to observe, that although our estimated expense of the works we recommended at Vienna, will exceed the expenditure of \$25,000, which we believe is sufficient to overcome that single obstruction, the excess may be justly charged to Hogg's falls, the improvement of which will be greatly lessened by blending the expense, and erecting one great work to effect both objects. And this goes to fortify, were it necessary, what has already been advanced, that the plan of improvement recommended by us, will confine itself substantially and practically to the provisions of the law in question.

If, however, this view of the legal construction of the law should be questioned by the board, and a more limited and literal construction be adopted to meet the case, we have furnished them with an estimate of the expense of the works necessary to overcome the Vienna falls alone, without respect to the ripples and falls above, which it will be seen brings the expense within the \$25,000, considered as a specific appropriation for that purpose.

But we cannot persuade ourselves that it was the design of the Legislature to prescribe the particular method by which the river might be improved, or the precise location of the locks and dams, nor is it fair to presume that the Legislature intended thus far to limit the discretion of the Board or their agents, and oblige them to construct works at each fall of the river, and thus, by multiplying the dams and locks, greatly increase the expenditure, and produce delays which always effect injuriously the operations of commerce.

The estimated expense of the improvement proposed has been predicated upon the price of labor, materials and supplies as they can be obtained in Western Pennsylvania, and if we have not been misinformed, they may all be had at as low a rate on Green river. If so, the necessary works at Spott's falls will cost, \$35,311 17, and those at Vienna, \$34,444 91; making the aggregate expenditure \$69,756 08, to complete the navigation to Nun's ripple,

It is proper to observe that whether a dam be high or low, there will be an equal expenditure incurred, as it regards the works connected with it. If the dam be low the lock, guard, walls, gates, and the abutments of the dam, are required to be of sufficient height to protect the works from the floods of the river, and hence arises the necessity of limiting, as far as may be safe and practicable, the dams and locks to the least number possible; and from these facts it is clear that the expense of a dam at Vien-

na and another at Hogg's falls, with their necessary locks, will cost near \$50,000, whereas an expenditure of about \$9,000 in addition to the \$25,000 at Vienna, will better remove both obstructions.

A. LACOCK, late A. C. M. R. STEALY, Civ. Eng.

A copy—teste, D. DYER, Secretary.

SPECIFICATION

Of a Lock for the Green river navigation.

The Chamber is to be 140 feet long and 36 feet wide in the

clear; the extreme length of the walls, 191 feet.

The Lock pit is to be excavated 200 feet long and 45 feet wide, and to the depth of 5½ feet below the crest of the next lower dam on the river, or 5½ feet below low water mark, for the outlet lock at Spotts' falls. At the recesses, the pit is to be excavated 18 inches lower, in order to sink the tops of the mitre sills to the above level. The rock which constitutes the foundation, is to be dressed off to an even, horizontal surface, upon which the masonry is to be commenced.

The walls are to be of the following dimensions and form, viz:
From the upper side of the upper wing to upper recess,
Length of upper recess,
From upper hollow quoin to lower recess,
Length of lower recess,
From lower quoin to lower end of lock,

10 feet,
25
115
25
16

Extreme length of the lock, 191 feet.

The wall, or side of the lock next the bank, is to have a wing at each end, extending at right angles to it, 20 feet back, and be built to the same height as the lock walls. The angles of intersection formed by the lock wall and wings, are to be rounded off to a quadrant, whose radius of curvature is to be 6 feet. The angles of the coping and recesses are to be rounded to a curve of 12 radius.

Immediately below the upper hollow quoins, and above each of the recesses for the space of 6 feet, and from the lower hollow quoin to the foot of the lock, the top of the wall is to be 6 feet, and the remaining portion is to be 4 feet in thickness. The thickness of wall at bottom should be equal to its thickness at top, added to one fourth of its height, and be reduced by offsetts or retreats on the back of the wall, made at heights of 3 or 4 feet, to suit the dimensions of the several courses of stone. The whole to be coped.

The chamber wall, or side of the lock next the river, is to consist of a solid wall or pier, of an uniform thickness throughout of 12 feet, except where it is diminished by the recesses—the whole surface to be coped. The lower end is to be a semicircle of 6 feet radius; the upper end to be a quadrant on the side next the lock, and square next the river, as represented on the accompanying plan.

The breast wall, which forms the upper portion of the lock, is to be of an uniform thickness of 5 feet; and be built to a height of 6

feet below the level of the comb of the adjoining dam.

Wells, or vertical apertures, 8 in number, for the windlass chains to pass through, are to be formed in constructing the walls, at points

to be designated by the engineer.

The walls of the lock are to be built plumb, with an ashlar facing, backed up with rubble work. The ashlar, or face stone, for the chamber of the lock, is to have a neat draft of exactly one inch in width, run around the face; the inclosed space is then to be scabbled and picked fine, so as to present an uniformly irregular surface, projecting from 1-4 to 3-8 of an inch beyond the draft. They are to be accurately squared and jointed.

The stretchers are to be of the following dimensions, viz:—They are to be three times as long as they are thick; and all sizes between 12 and 18 inches, inclusive, are to have 24 inch beds; and those between the sizes of 18 and 24 inches, are to have 26 inch beds.

The headers are, in all cases, to be three times as long as they are thick, except where the thickness of the wall does not require it; in which case they are to be as long as the wall is thich. Their width should always be at least equal to twice their thickness, and they should have full beds from front to rear.

The hollow quoin stretchers are not to be less than 5 feet long, and 4 feet wide—the headers not less than 4 feet long and 3 feet

wide. The hollow quoin coping are to be 5 feet square.

The stone for the backing of the chamber wall next the river, are to have well hammer-dressed beds and joints, so as to form a face on the river side, and are to have the same proportions as the face stone of the lock. The rest of the backing stone are to be well shaped, and generally contain not less than 6 cubic feet. Two thicknesses will be allowed to constitute a course, at the option of the contractor, but not more; and in this case, the stone are to be well dressed, so as to make good joints with each other and the adjoing stones.

The coping stone for the walls, are to be uniformly I8 inches thick, not less than 4 feet long and 3 feet wide. Those for the upper ends of the recesses and hollow quoins are to be 5 feet long and 4 feet wide. Their upper and inner surfaces are to be cut in the same manner as the face of the ashlar before described.

As a general rule in the face work, one header may be laid to

two stretchers. The headers to be laid immediately over the middle of the stretchers.

In the backing, a header is to be laid between every two headers in the face, and betwixt these, stones are to be laid, so as to fill

up the space and give the wall its proper thickness.

The joints and beds of the face stone are to be laid in lime mortar, (the joints to be between 1-4 and 3-16 of an inch in width;) the remaining portion of the wall to be filled with grout, composed two parts of clean sand and one of quick lime recently burnt and kept unslacked until just before it shall be used. The walls are to

grouted every course as the work progresses.

The mitre sills for the lock gates to close against, are to be supported by lock sills, which are to lie across the lock below them, and by tongues which are to connect with them at their junction, and extend to the lock sills below them. The mitre sills are to be 4 in number; 2 for each set of gates, 18 inches square, 23 feet long; they are to mitre together at their ends, so as to make the containing angle 109 deg. 28 minutes: at this point of contact, a dovetail notch is to be cut to receive the upper part of the tongue; this notch is to be 9 inches deep, 18 inches wide at its upper end, and 12 inches wide at its lower end. The upstream side of each sill is to be jointed very straight, so as to make a tight joint with the lower ribs of the lock gates where they close together.

The lock sills are to be 2 in number, 18 inches square, 36½ feet long. They are to lie with their upstream sides, 3 inches below a line which passing across the lock, would just touch the lower curve

surface of the hollow quoins.

The tongues are to be 2 in number, 18 inches square, 13 feet long, exclusive of a tennon at each of their lower ends, which is to extend 8 inches into the lock sill. Their upper ends to be framed, dovetailing so as to fit into the notches cut for them in the mitre sills.

The whole of the sills should be fitted close to the rock, and secured to their places by 1½ inch bolts, with fox wedges passing

through them, and into the rock 18 inches.

The frame of the lock gate is to consist of heel and toe posts

and ribs:

The heel-posts are to be 4 in number, 16 by 18, and equal in length to the height of the lock wall: they are to be rounded on one side, so as to fit into the hollow quoins.

The toe-posts are to be of the same number and dimensions. They are to be cut to a mitre, so as to fit together when the gates

are closed.

The ribs are to be placed about 2 feet apart in the clear, 8 inches by 14 at the ends, and 8 by 16 in the middle, except the upper and lower ribs, which are to be 2 inches wide, so as to admit of a mitre for the planking. They are to connect with the heel and toe-posts by a mortice and tennon.

The gates are to be covered with 2 inch plank, well jointed, and spiked on, leaving an aperture between the lower ribs for the paddle gates. The upper gates are to be covered on both sides.

To secure and strengthen the frame of the lock gates, it will be necessary to have irons in the shape of T's and L's to connect the ribs to the heel and toe-posts, viz: Two L's on each of the upper and lower ribs, and two T's on each of the intermediate ribs. They are to be let into the timbers, and held to their places by bolts passing through their limbs and through the ribs and posts, and secured by nuts and screws. The T's and L's are to be on the lower side of the gates, and the bolts driven in from the upper side.

The heel posts at the bottom, are to rest upon a cast iron socket and gudgeon; at the top they are to be hung by a strap of iron, passing round and connected with wrought iron clamps let into the

Two wheel and pinion windlasses will be required for each gate: one to open, the other to close it. A chain is to be attached to one end of the windlass, pass down through an aperture formed in the chamber wall for that purpose, pass under a sheef or pulley insert ed in the wall near its foundation; and the other end of the chain is to be attached to the gate near its point. The two windlasses which operate on the same gates, are to be placed diagonally opposite to each other, as represented in the plan.

Cast iron segments are to be laid in the recess chambers, upon which a roller, inserted in the under side of the lower rib, revolves.

All the timber and plank for the gates, are to be planed and sub-

sequently painted.

Two rows of sheet piling are to extend from the near side of the Chamber wall, about 20 feet into the bank, and extend in height, from the surface of the rock to the level of the coping: each row of piling is to consist of two layers of 2 inch plank. A stratum of gravel about 4 feet thick, is to surround each row of sheet piling.

There are to be two of King & Livingston's patent paddle gates in each lock gate; making 8 for the whole lock.

SPECIFICATION

Of a Dam on the Green river navigation.

The dam is to be a timber crib dam filled in with stone, with abutments of rubble masonry.

The abutment on the northern side of the stream is to be 40 feet in length, and about 25 feet in height, with wings projecting into the bank at either end. It is to be built plumb on the face, be 4 feet thick on top, and batter 3 inches to a foot on the rear, and be

surmounted by coping equal in dimensions to the top of the wall, and not less than 12 inches thick. The back of the lock wall forms the abutment on the southern side as represented in the plan.

The stones for the face wall are to be well hammer-dressed, and not less than 9 inches thick, 3 feet long, and 2 feet wide; the larger stones are to conform to the same proportions. The headers and stretchers are to be equal in number. The stone for the backing are to be large, and carefully laid up, so as to connect with the face work and bind the whole together. The wall is to be grouted every 12 or 18 inches in height. The grout is to be composed of one part of quick lime, recently burnt, to two parts of clean sand.

The crib is to be composed of breast timbers, back timbers, longitudinal ties, cross ties, and comb timbers. The upper side of the dam is to slope in the proportion of 3 to 1, and the breast, or lower side, 1 to 1; and the width of the comb on top, 2 feet. The comb timbers are to be squared, 12 inches by 15. All the other timbers of the dam may be hewed on 2 sides, and are be equal to 12 inch square timber in size. Each range of longitudinal and

cross timbers are to form 18 inches in height.

The first breast timber is to be imbedded in the rock; the second is to be laid above the first, receding 1½ feet, and so on to the comb; each timber receding 1½ feet, so as to form the slope of the dam. Each of these timbers is to be notched so as to receive the ends of the cross ties, and be champfered on the upper side, so as to form an even bearing for the spars to be placed upon them.

The back timbers are to be laid in a similar manner to breast timbers, except that each recedes 4½ feet from that next below it.

The lower timber is to be imbedded in the rock.

The longitudinal ties are to be placed parallel, and equidistant with the breast timbers in each tier of the crib. They are also to be notched, so as to frame the cross ties into them. The two lower ties are to be imbedded in the rock.

The cross ties are to be notched where they cross the longitudinal ties, dovetailed at the ends so as to frame into the breast and back timbers. No cross tie shall be spliced. They are to be placed about 15 feet apart.

The comb timbers form the apex of the dam, and are to lie close

together on the upper cross ties.

At the points of intersection of the timbers, they are to be pinned together with 2 inch pins 16 inches long. The timbers imbed ded in the rock, should be secured to their places by 14 inch square bolts, about 30 inches long, with fox wedges.

The upper slope side of the dam is to be covered with 4 inch oak plank, spiked or pinned to the timbers, on which they rest. The lower side, or breast, is to be covered with spars 8 inches thick, hewn on two sides, so as to fit close together, and long

enough to extend from the comb of the dam to the rock. They are to be secured to the breast timbers by bolts or pins.

The cribs are to be filled with stone carefully packed. A sufficient quantity of gravel to make the dam tight, is to be deposited

on the upper slope.

A pier head is to be constructed at the southern end of the dam, and connected with it. It is to be 100 feet in length above the comb of the dam, 15 feet wide, and extend as high as the lock coping; its upper end is to slope as 2 to 1. The pier is to be timber crib work, framed and filled in, in a similar manner to the dam; and the top and upper slope are to be covered with timbers laid close together. In the construction of the pier head, a row of sheet piling is to extend from the lock wall, through the pier, and connect with the sheeting of the dam, so as to prevent the escape of the water through the pier into the body of the dam.

A bill of materials for a Lock at Vienna falls, equal to 7 feet lift, and 8 feet guard, 21 feet high, with a view to the improvement of those falls alone.

		TIMBER					
2 Lock sills,	18 l	y 18		361		164	cubic feet.
	18	18		221		202	
	18	18		14		63	
8 Heel & toe posts.	16	18		21		336	
8 Ribs, 8 by 16, end	s. 8	18 in.	mid.	22	feet,	169	
24 do 8 14 do		16		22		440	
						1 5/25	
			To	otal,		1374	
		IRON.					
4 Collars,	84 in	1. long,	§ th	nick,	24	wide,	
8 Clamps,	30	0,	1		3		
8 Keys for clamps,	18		1/2		1 ₺		
48 T's, one limb, other do	16) 13‡}		1/2		21		
16 L's one limb, other do	15¾ 9¼		¥		21		
304 Round bolts w	ith sci	ews, 15 i					liameter.

30 Bolts for mitre sills, 30 long, 14 diameter.

8 Round spindle rods, 20 feet long, 2 inches diameter.

4 Wrenches for do, Spikes for gates. 8 King & Livingston's patent paddle gates.

4 Sets of sockets, gudgeons, segments, windlasses, chains, &c.

2 inch plank for gates, 2600 square feet,

2 inch do for piling, 1600

----4200 square feet

Masonry, 2810 perches of 25 cubic feet each. Lime, sand, paint, &c., as described in the specification.

Bill of materials for a	Dam on the Vienna J	falls, 630 feet long, 10 feet f those falls alone.
high, with a view	to the improvement of	f those falls alone.

	Comb timbers,	12 by	15 in.,	630 ft. long,	1,575 cub. feet,
20	Longitudinal do,	12	12	630	12,600
	Cross ties,	12	12	40	1,560
39	do	12	12	34	1,326
39	do	12	12	28	1,092
39	do	12	12	22	858
39	do	12	12	16	624
39	do	12	12	10	390
630	Spars,	6	12	14	4,410
					24,435
4 S	inch plank for sh tone for filling cril	eeting,	21		21,000 sq. feet. 4,000 cub. yds,

Gravel for upper slope,

Iron for bolts and spikes

Rubble masonry in abutments.

1,600 do
5 tons.
380 perches,
200 yards embankment 400, excavation 300

Excavation of rock 200 yards, embankment 400, excavation 300 cubic yards.

Bill of materials for Pier head, 100 feet long, 18 feet high.

24 Longitudinal timbers,	12 by	12 in.	100 ft.	long, 2,400 cub. ft.
100 Cross pieces for covering,		12	15	750
80 Cross ties,	12	12	15	1,200
15 Sheeting timbers,	6	12	26	195

4,545 cub. ft.

Stone for filling cribs, 800 cubic yards.

Bill of materials for a Dam at Vienna falls, 680 feet long, 12 feet

			high.		
9	Comb timbers,	12 by	15 in.,	680 ft. long,	1,700 cub. feet.
94	Longitudinal do	12	12	680	16,320
		12	12	46	1.932
	Cross ties,	12	12	40	1,680
42	6 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		12	34	1,428
42	"	12		28	1,176
42	"	12	12		
42	66	12	12	22	924
42	"	12	12	16	672
42	66	12	12	10	420
	Spars for breast,	6	12	18	6,120

4 inch plank for sheeting,
Stone for filling cribs,
Gravel for upper slope,
Iron for bolts and spikes,
Iron for bolts and spikes,
Adoption of the process of

Rubble masonry in abutment, 400 perches. Excavation of rock 300 yards, embankment 400 yards, excavation 500 yards.

Bill of materiais for Pier-l 26 Longitudinal timbers,	12 by	12 in.	100 feet,	2,600	feet.
100 Cross pieces for covering,	6	12	15	750	
100 Cross ties,	12	12	15	1,500	
15 Sheeting timbers,	6	12	30	225	
				5,075	
Stone for filling cribs,			900) cubic	

Bill of materi	ials for a Dam a	t Spotts	falls 60	00 feet i	long, 13	feet high.
2 Comb tin		15 in.	600 ft.	long,	1,500	cub. feet.
28 Longitud		12	600	1	6,800	
38 Cross tie		12	52		1,976	
38 do	12	12	46		1,748	
38 do	12	12	40		1,520	
38 do	12	12	34		1,292	
38 do	12	12	28		1,064	
38 do	12	12	22		836	
38 do	12	12	16		608	
38 do	12	12	10		380	
600 Spars fo		12	29		5,700	
ooo ppars ro	a broading				3	3,424
Stone for	ank for sheeting filling cribs,	,		2		sq. feet. cub. yds.
Gravel fo	or upper slope,					tons.
Iron for h	oolts and spikes,					perches.
Excavati	nasonry in abuta on, 500 yards; re	ock, 200			kment,	400 yards.
Bill of n	naterials for Pie	er head,	100 fee	t long,	20 feet	high.
		12 hv	12 in.	100 fee	t. 2,60	0 cub. feet.
26 Longitu	dinal timbers, ieces for covering		12	15	75	0
100 Cross p	ica	12	12	15	1,50	0
100 Cross t		6	12	30	22	25
15 sheeting	2 broces				-	_5,075 ft.
Stone for	filling cribs,	i Carr				ubic yards.

Bill of materials for a Lock of 13 feet lift, and 8 feet guard, at Spotts' or Vienna falls.

TIMBER

		ABER.			
2 Lock sills,	18 by	18 in.	361	ft. long,	164 cub. feet.
4 Mitre sills,	18	18	221		202
		18	14		63
2 Tongues,	STATE OF THE PARTY OF	18	28		448
8 Heel and toe posts,	10		THE RESERVE		169
8 Ribs, 8 by 16 at ends	5, 8	18 mid.			587
32 do 8 14 do	8	16 do	22	THE PERSON NAMED IN	
		1.04			——1633 feet

		A TAIR DOWN	IRON.		AND TAKENSTON
4	Colla	ars,	84 in. long,	in. thick,	2½ in. wide.
8	Clar	nps,	30	1	3
8	Key	s for clamps,	.18	1	11
64	T's	one limb, other limb	16 13½	d de la Richard	21
		one limb,		1 209250000	21
		nd bolts for d		15 inches long,	🕯 in diameter.

39 Bolts for mitre sills, 30 inches long, 14, 14.
8 Round spindle rods, 25 feet long, 2 inches diameter.

4 Wrenches for do. Spikes for gates.

8 King & Livingston's patent paddle gates.

4 Setts of sockets and gudgeons; segments, windlasses, chains, &c.

2 inch plank for the gates, 3,300 sq. feet. Do do for piling, 2,200

____ 5,500 sq. feet.

Masonry, 4342 perches, of 25 cubic feet each. Lime, sand, paint, &c., as described in the specification.

Estimate of a Lock at the Vienna falls, seven feet lift, and eight feet guard, twenty-one feet high, with a view to the improvement of those falls alone.

Masonry,	2,810 perches, of 25	ft., at \$5	00,	\$14,050	00
Timber,	1,374 cubic feet,			68	70
Iron, wrought,	4 tons,	at 200		800	00
Windlasses and a	opendages,			400	00
Workmanship of	gates,			400	00
Plank (2 inch,)	4,200 square feet,	at	2,	84	.00
Paddle gates,				120	00
Segments, sockets	and gudgeons,			50	00
Excavation,	200 yards,	at	10,	20	00
Solid rock,	200 yards,	at	75,	150	00
Embankment,	800 yards,	at	10,	80	00
Puddle,	200 yards,	at	25,	50	00
					7000

\$16,272 70

Estimate of a Dam 630 feet long, and 10 feet high, with a pier head, at the same place, and with the same view.

The second of th				
Timber,	28,980 cub. ft. at 8 cts.	\$2,318	40	
Plank, (4 inch,)	21,000 sq. ft. at 4 cts.	840	00	
Stone for cribs,	4,800 cub. yds. at 37½ cts.	1,800	00	
Iron,	5 tons, at \$180 00	900	00	
Excavation,	300 cub. yds. at 10 cts.	30	00	
	400 do at 10 cts.	40	00	
Rock,	200 do at 75 cts.	150	00	
	,380 pr. of 25 cu. ft. \$2 50,	950	00	
Gravel,	1,600 cub. yds. at 30 cts.	480	00	7,508 40

Total cost of Lock, Dam and Pier head,

\$23,781 10

Estimate of a Lock at Venna falls, lift 13 feet, Guard 8 feet, chamber in the clear 140 by 36 feet. Total height of wall 27 feet.

Masonry,	4,343 per	ches, of	25 ft. at	\$5 00	\$21,715 00
	1,633 cul		at	5	81 65
Iron, wrought	5 tor	Control of the last of the las	at	200 00	1,000 00
Windlasses and ap	pendages,	And Marie			400 00
Workmanship of	ates,				400 00
Plank. (2 inch,)		feet,	at	2	110 00
Paddle gates,					120 00
Segments, sockets	and gudg	eons,			50 00
Excavation,	500 cu	bic yds.	at	10	50 00
Embankment,	1,000	do	at	10	100 00
Solid rock,	1,000	do	at	75	750 00
Puddle,	200	do	at	25	50 00
THE PARTY OF THE PARTY.					

\$24,826 65

Estimate of a Dam 600 feet in length, 12 feet high, and Pier head at Vienna falls.

Timber,	37,447 cub. ft.	at 8	cts. \$2,995	76
Plank, (4 inch,)			1,040	
Stone for cribs,	6,900 cub. yds		2,587	50
Iron,	6 tons,		1,080	00
Excav.	500 cub. yds.	at 10	50	00
Embankment,	400 do	at 10	40	00
Rock,	300 do	at 75	225	00
Rubble masonr	y, 400 per. of 25	ft. \$2 50	1,000	
	2,000 cub. yds.		600	00 \$9,618 26

Total cost of Lock, Dam and Pier head,

\$34,444 91

Estimate of a Lock at Spotts' falls; lift 13 feet, Guard 8 feet, Chamber in the clear 140 by 36 feet. Total height of wall 27 feet.

		og oo joot.	20000 1101811	9		Joon.	
Masonry,	4,343 pe	rches of 25	cub. feet, at	\$5	00	\$21,715	00
Timber,	1,633 cu	b feet,	at		5	81	65
Iron, wrought.	5 To	ons	at	200	00	1,000	00
Windlasses and	appendag	es,				400	00
Workmanship o	f gates,					400	00
Plank, (2 inch,	5,500 sc	. feet,	a	t	2	110	00
Paddle gates						120	00
Segments, sock	ets and g	udgeons,				50	00
Excavation,		b. yds.	8	t	10	500	00
Embankment,		do	а	t	10	100	00
Solid rock,	1500	do	a series	it	75	375	00
Puddle,	200	do	a	t	25	50	00
Bailing water,	coffer dan	ns, &c.	東京に関ルリキョル			500	00

\$25,401 65

Estimate of a dam at Spotts' falls; length 600 feet, height 13 feet, and Pier head.

Timber,	38,494 cub. feet at	8 cts.	\$3079	52
Plank, (4 inch,)	24,000 sq. feet, at	4 cts.	960	00
Stone for cribs,	7,400 cub. yds. at	374 cts.	2775	00 000 00 00 00
Gravel,	2,000 do at	30 cts.	600	00 - 66 - 6 - 6
Iron,	6 tons at 180		1,080	00
Excavation,	1,000 cub. yds. at		100	00
Embankment,	400 do at	10	40	00
Rock,	200 do at	75	150	
Rubble Masonry	207 6	t \$21	1,125	00 9,909 52
Tempore Managemy				
				405 911 17

Total cost of Lock, Dam, and Pier,

\$35,311 17

SPECIFICATION

Of a wooden Lock with stone filling, for the Green river navigation. The lock pit is to be excavated to the whole size of the foundation of the lock: in other respects, to be exactly as in the specification for the cut stone lock. Upon the smooth bottom of this pit, a floor of hewn timber is to be laid transversely, 6 inches thick, square hewn edges, and forty five feet long: so that the ends may extend under the lock walls 4½ feet.

The walls are to be of the following dimensions and form, viz:

From the upper side of the upper wing to the up-	10 feet.
per recess,	25
Length of the upper recess, From the upper hollow quoin to lower recess,	115
From the upper honow quoti to lower recess,	25
Length of lower recess,	16
From lower quoin to lower end of lock,	
特勒斯 国际经历自然通过 医电影 医克拉特氏 医克拉克氏征 医克拉克氏 医克拉克氏 化二氯甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基	TOT C

The wall, or side of the lock next the bank, is to have a wing at each end, extending 20 feet back, at right angles with the wall, and into the bank: to be built to the same height as the lock walls.

Extreme length of lock,

At the angles of intersection, formed by the lock walls and wings, the face of the lock walls shall be flaired at an angle of 30

degrees, 6 feet from the intersection.

The wall is to be 8 feet thick throughout, and the wings are to be framed up in connexion with it. The lock wall and wings to be covered with timber six inches thick, and not more than ten inches broad; to be spiked down to the timbers of the wall and wings. The wings are to be six feet thick throughout.

The chamber wall, or side of the lock next the river, is to be built of the same dimensions exactly with the walls of the stone lock in the foregoing specifications, exclusive of the projections which form the recesses for the gates, and must be interlocked with the pier head as they are built up; (for Pier head, see specifications of dam and pier head for stone lock.)

Wells, or vertical apertures, 8 in number, for the windlass chains, are to be framed up as the walls are built, at points to be designated by the engineer.

The hollow quoins and recesses are to be constructed in the most approved manner, and under the directions of the resident engineer. The mitre sill and other timbers of the lock, are to be the same as in the specifications of the stone lock. A description of the gates, windlass chains, sheaves, &c. will be found in the foregoing specification of stone lock.

All the longitudinal timbers of the lock wall and wings, are to be 12 inches square; and the face of back timbers or longitudinal ties, and the end cross ties, are to be counter-hewed, so as to fit down with good joints, close upon each other. The cross ties are to be 12 inches square, and are to be let in at every fifteen feet apart upon each tier of timbers, with a dovetail notch at the intersection, and well spiked down.

The chamber of the lock, and the upper side of the wings, are to be lined with 2 inch plank placed vertically, and doubled so as to break joints; both courses to be well jointed.

The lock is to be built with white oak timbers, and, except the cross ties, must not be less than 30 feet long; the cribs are to be filled with stone, and puddled or grouted every 2 feet, with gravel and clay—2 measures of gravel to 1 of clay.

The space between the upper and lower wing of the land side of the lock, and space above the upper wing, is to be regularly and closely rammed as the wall is built; filling of good clay, and to be raised to the height of the wall and wing.

The breast wall across the upper end of the lock, is to be built 8 feet broad, and studded with 2 inch oak plank, doubled on the upper and lower side; and the cribs filled with stone, and puddled with sand and gravel, and covered with timbers extending across the lock, 45 feet long and 8 inches thick each, and built into the lock; the edges well jointed, and bolted down to the wall.

The contractors are desired to put in bids for the construction of a wooden lock of the following dimensions, to-wit:

The chamber of the lock to be 140 by 36 feet in the clear; the length of each wall or wing of the lock, to be 191 feet; the breadth of each wall or wing, to be 12 feet from out to out; the height of each wall or wing, to be 27 feet. The sides of the walls or wings facing the chamber of the lock, are to be constructed of timbers faced on three sides, (square,) 18 or 24 inches broad, and 12 inches thick at least; 30 feet in length. The sides of the walls, back from the lock chamber, are to be constructed of timbers not less than 12 inches square, to be faced on the upper and lower

sides. The cross ties are to be 12 feet in length, faced on two sides. and 12 inches thick from face to face. A cross tie is to be inserted in the wall, between every 14 and 15 feet, in the length of the wall, and upon each tier of the timbers. The timbers of the walls are to be put up in such manner, that the cracks or spaces between the timbers, shall be as small as practicable; and the cross ties are to be let into the timbers of the wall, so as to make the cracks as small as practicable, and still to preserve strength in the construction. The inner sides of the lock walls are to be lined with 2 inch plank, jointed and put on double, and well spiked on the timbers of the wall. The lower plank are to be at least 18 feet long, from the bottom of the lock chamber up the sides of the wall. The timbers of the walls are to be spiked down, and confined to the rock at the bottom of the lock, in the same manner that the foundation timbers of the wall are to be put in, according to the report of the engi-The other timbers of the walls are to be spiked and tied together by iron bars, in such manner as the superintending engineer may direct.

From each end of the wall, on the south side of the lock, there are to be walls running at right angles into the bank, for the distance of 20 feet, so as to form an abutment. These walls are to be of the same height, the same width, and built with timbers of the same dimensions, and in the same manner with the lock walls; and the upper side of the upper 20 feet wall is to be sheeted in the

same manner as the chamber of the lock.

The breast wall of the lock chamber will be 36 feet in length, 6 feet wide, and—feet high, from the bottom; and is to be spiled or grouted on the upper side, so as to be made as nearly impervious by water as practicable. The side timbers of the breast wall are to be faced on two sides; to be at least 12 inches every way if squared, and to be built up and tied with cross ties, like the side walls of the lock. The inner side of the breast wall is to be sheeted like the lock chamber; and the cavity of the breast wall is to be filled with gravel, and the top covered with timbers 6 inches thick, well spiked on. The cavities of the lock walls, and the abutment walls are to be filled in with rock, well packed. The hollow quoins and recesses are to be formed and constructed in such manner as the superintending engineer may direct. All timber and plank to be of oak.

The following is an estimate of the timber necessary to con-

struct the above lock, &c. and the cost of the whole:

The sides of the walls fronting to the lock chamber, if put up with timbers 2 feet wide by 1 thick, will require 20,628 cubic feet of timber; the two back walls put up with timbers large enough to square 1 foot, will require only as much as one of the front walls, to-wit: 10,314 cubic feet; making altogether, for lock walls, 30,942, at 8 cts. per foot,

\$ 2,475 36

	111
The cross ties of the lock walls will require 9,072 cubic feet; which, at 8 cents, will be Each abutment wing will require 1,080 cubic feet, or, together, 2,160; and 1296 for cross ties: in all,	725.76
3,456, at 8 cents,	276 48
For the breast wall of the lock, including lateral and cross timbers, 410 cubic feet will be requi-	ina tipid
red, at 8 cents,	32 80
There will be in the cavities of both lock walls, taken together, 3,402 square yards to be filled in	
with rock, at 37½ cents per yard on the ground,	1,275 75
There will be 378 square yards of filling in the abut-	
ment wing, and 30 in the breast dam: 808, at 372	153 00
It will require 21,168 feet of 2 inch plank, to double	
sheet the lock wall, and single sheet the upper a-	S AND S SECTION
butment wall, at 2½ cts per foot,	529 20
It will require 216 surface feet of timber, 6 inches	
thick, to cover the breast dam, say at 8 cents,	17 28
I suppose that the iron required about the lock, will	A STANLE BOOK STANLE
be 6 tons at 180 dollars per ton,	1,080 00
I suppose that the estimate made by the engineers, for	COLD TO SERVICE
timber and plank for gates, windlass and appenda-	Service Service Ser
ges, workmanship for gates, paddle gates, seg-	
ments, sockets and gudgeons, are nearly correct;	
and therefore I adopt them, and they amount al-	
together to the sum of The total cost of a wooden lock substituted for the	2,111 65
The total cost of a wooden lock substituted for the	

\$ 8,687 28

structed in the manner specified by them.

The abutment on the northern side, which, according to the report and specifications of the engineers, was to be constructed with rock and rubble masonry, will have to be given up, and wood submitted in its place; but the change would be more favor able to the contractor who undertakes the job, and need not be made the subject of another estimate. I therefore put down the dam and Pierhead to be constructed according to the specifications of the engineers, with the exception of the necessary change of the northern abutment from rock to wood walls, filled in with rock, spiled, grouted, &c. at the price fixed by them,

or 9,000; including extra work in forming the recesses and hollow quoins. The lock gates and ther work, for the prices of which I have referred to the estimates of the engineers, are to be con-

stone work will be

9,618 26

\$18,305 54

ARTICLE OF AGREEMENT.

Entered into, this 18th day of December, one thousand eight hundred and thirty three, by and between the Commonwealth of Kentucky, by James R. Skiles, Henry Shanks, Stephen Ashby, Simpson Stout, and Dillis Dyer, of the one part, State Commissioners for the improvement of Green river, and James

Glenn of the other part: WITNESSETH-

That the said James Glenn does promise and agree to furnish all the materials; which shall be in such quantity and of such a quality as shall be approved by the engineer on said river, and perform all the labor necessary to construct and finish, in every respect, in the most substantial and workmanlike manner, a lock, viz: number 2, at the falls of Vienna, according to the proposed plan of improving the navigation of Green river by Messrs La-

cock and Stealy, engineers.

The construction of said lock shall be in every respect according to the specifications hereunto annexed, which are to be considered as a part of this contract. And the work shall be inspected from time to time, by the said superintendent, or the engineer for the time being, or any assistant engineer who may be employed on said river; and if, at any time, any mechanic or workman employed on said work, shall be found unfaithful, or believed to be so by either the superintendent or engineers, then and in that case, the said superintendent or engineers shall have power to direct that any such person be forthwith dismissed, and no longer employed on any part of the work.

And the said James Glenn does further promise and agree, from time to time, during the progress of the work, to conform to such deviations and alterations from the present location of said lock or plan of construction, as the said engineer may direct. And if any variation or alteration required by the principal engineer, should be considered by him, unfavorable to the interest of said contractor, or on the other hand, should diminish the amount of labor or expense required by the plan and specifications, then, and in either case, such additions shall be made to, or reductions from the sum hereafter mentioned to be paid, as the engineer shall

deem just and equitable.

And it is mutually agreed that the decision of the engineer shall be final and conclusive, in any dispute which may arise between the said parties; and that the said contract, or any part of it, will not be re-let or transferrable to any other person or persons whatever; and also, that said Glenn will personally superintend the work during its progress.

And it is further agreed between the parties, that at least once a month an account shall be given to the engineer, in writing, of the measures that have been taken, or the contracts that have been

made for procuring materials for the lock; and also, who has been employed as principal or master masons or carpenters, for the con-

struction. It is further agreed between the parties, that the work shall be commenced within thirty days from this date, and the materials for the construction of the work shall be delivered at such times and places as may be directed by the engineer. But if said Glenn shall neglect to do so, or if at any period hereafter, said Glenn shall, in the opinion of the superintendent or engineer, refuse or neglect to prosecute this contract, with a force proportioned to the quantity of work to be done, and the period within which it is to be completed, or shall sub-contract or re-let this contract or any part thereof, except for the furnishing materials, or shall not give personal superintendance to the work, the said superintendent or engineer shall have power, with the consent of the commissioners, to determine that this contract has been abandoned; and such determination shall put an end to this contract, and exonerate the Commonwealth from every obligation thence arising; and the superintendent may immediately proceed to dispose thereof, in the same manner as if it had never existed.

It is further agreed, that to avoid disputes, as well as interruption and hindrance to the regular and peaceable progress of the different parts of the work, and to prevent unnecessary injury to the right and property of the neighbors in the vicinity of the work, the superintendent, engineer, or assistant engineer will dismiss from service, every quarrelsome, disorderly person, and such as shall be addicted to habits of intemperance, or who shall wantonly commit any unnecessary trespass, either upon the person, land or property of citizens, living, travelling, or working upon, or near the said work, or be guilty of any other offensive misconduct; and the said contractor shall dismiss all similar persons employed at said work, whenever thereto directed by the said superintendent, engineer, or

assistant engineer.

And the said James Glenn is to be paid for completing this con-

tract. as follows:

For building and completing lock number 2, and finding all the materials, if according to wooden specification, per foot lift, nine hundred and ninety dollars. But if of stone, per perch of 25 cubic feet, six dollars and seventy-five cents. For common excavation twenty-five cents per cubic yard. For solid rock excavation, one dollar per cubic yard. Embankment, twenty five cents per cubic yard. Puddle, fifty cents per cubic yard. The stone or wooden lock to be built at the option of the commissioners.

It is further agreed by the parties, that any items of work that may necessarily occur in constructing said lock, or in providing materials for the same, or in excavating foundations, not specified in

this contract, nor mentioned in the specifications beforementioned, shall be estimated by the engineer, and paid for accordingly, except that no allowance shall be made for bailing water.

The payments to be made in the following manner:

Upon the delivery of the materials at the place or places assigned, the engineer shall estimate the value of the same, and upon his certificate being presented to the commissioners, the amount thereof shall be paid, deducting therefrom fifteen per cent; and on or about the fitteenth day of each succeeding month, within the limits of this contract, an estimate shall be made of the quantity of work done, certificate granted, and payment in like proportion made thereon. The fifteen per cent. directed to be retained, to be withheld until the contract is completed, unless the board of commissioners shall direct the same, or any part thereof, to be sooner paid.

And further, at the expiration of the stipulated period for the completion of this contract, if the whole work shall be finished to the satisfaction of the commissioners, the said engineershall estimate it, and within twenty days after the presentation of his certificate, under his hand, to the commissioners, the balance which may remain in his hands shall all be paid, except five per centum on the whole amount of this contract; which five per centum shall be retained and kept back, in order to insure the faithful performance of this contract in every part, until the water shall be let into, and pass through the said lock, of the intended depth, and the said lock proved by water, to be well and faithfully executed, and every part done complete and perfect; and whatever expense shall accrue, or in any way arise, by unfaithfulness or want of skill in the execution of said work, shall, if paid, be deducted from the said five per cent. and the balance, if any, shall then be paid over to the said contractor, and a final settlement and adjustment made, and certificate made by the engineer, of the fulfilment of this contract. Provided, however, that the said superintendant shall be bound to let in the water to prove the said work, within one year from the completion of said lock.

It is understood that if the commissioners should conclude that the rock on which the Damis to be founded, is not of a suitable material to go into the dam and wood lock, as expressed by Messrs.

Lacock and Stealy, that the said Glenn is to be allowed, according to the acting engineer's estimate, for any additional expense.

And the said James Glenn promises and agrees to finish and deliver up this contract, on or before the first day of December, one thousand eight hundred and thirty-four. In witness whereof, the said parties have hereunto set their hands and seals, the day and year first above mentioned.

	211111111111111111111111111111111111111
JAMES GLENN,	[Seal.]
JAMES R. SKILES,	Seal.
SIMPSON STOUT,	Seal.
STEPHEN ASHBY,	Seal.
HENRY SHANKS.	[Seal.]

WITNESS:

M. W. HENRY, W. WORTHINGTON.

A copy from the original.

ARTICLE OF AGREEMENT,

Entered into, this 18th day of December, one thousand eight hundred and thirty-three, by and between the Commonwealth of Kentucky, by James R. Skiles, Henry Shanks, Stephen Ashby, Simpson Stout, and Dillis Dyer, of the one part, State Commissioners for the improvement of Green river, and James Glenn of the other part: Witnesseth—

That the said James Glenn does promise and agree to furnish all the materials; which shall be in such quantity and of such a quality as shall be approved by the engineer on said river, and perform all the labor necessary to construct and finish, in every respect, in the most substantial and workmanlike manner, a dam over the Green river at the Vienna falls, with the pier head and abutment, as described in drawings and specifications, drawn by Messrs Lacock and Stealy, for said falls; being dam number 2, of 10 feet height.

The construction of said dam shall be in every respect according to the specifications hereunto annexed, which are to be considered as a part of this contract. And the work shall be inspected from time to time, by the said superintendent, or the engineer for the time being, or any assistant engineer who may be employed on said river; and if, at any time, any mechanic or workman employed on said work, shall be found unfaithful, or believed to be so by either the commissioners or engineer, then, and in that case, the said engineer shall have power to direct that any such person be forthwith dismissed, and no longer employed on any part of the work.

And the said James Glenn does further promise and agree, from time to time, during the progress of the work, to conform to such deviations and alterations from the present plan of construction, of said dam, as the said engineer may direct. And if any variation or alteration required by the engineer, should be considered by him, unfavorable to the interest of said contractor, or on the other hand, should diminish the amount of labor or ex-

pense required by the plan and specifications, then, and in either case, such additions shall be made to, or reductions from the sum hereafter mentioned to be paid, as the engineer shall deem just and equitable. And it is mutually agreed that the decision of the engineer shall be final and conclusive, in any dispute which may arise between the said parties; and that the said contract, nor any part of it, will not be re-let or transferred to any other person or persons whatever; and also, that he will personally superintend the work during its progress.

And it is further agreed between the parties, that at least once a month an account shall be given to the engineer, in writing, of the measures that have been taken, or the contracts that have been made for procuring materials for the said dam; and also who has been employed as principal or master masons, or carpenters for the

construction.

It is further agreed between the parties, that the work shall be commenced within thirty days from this date; and the materials for the construction of the work shall be delivered at such times and places as may be directed by the engineer. But if he shall neglect to do so, or if at any period hereafter, he shall, in the opinion of the commissioners or engineer, refuse or neglect to prosecute this contract with a force proportioned to the quantity of work to be done, and the period within which it is to be completed, or shall sub-contract or re-let this contract or any part thereof, except for the furnishing materials, or shall not give personal superintendence to the work, the said engineer shall have power, with the consent of one of river commissioners, to determine that this contract has been abandoned; and such a determination shall put an end to this contract, and exonerate the commonwealth from every obligation thence arising; and the commissioners may immediately proceed to dispose thereof, in the same manner as if it had never existed.

It is further agreed, that to avoid disputes, as well as interruption and hindrance to the regular and peaceable progress of the different parts of the work, and to prevent unnecessary injury to the rights and property of the neighborhood, in the vicinity of the work, the superintendent, engineer, or assistant engineer will dismiss from service, every quarrelsome, disorderly person, and such as shall be addicted to habits of intemperance, or who shall wantonly commit any unnecessary trespass, either upon the person, land, or property of citizens, living, travelling, or working upon, or near the said work, or be guilty of any other misconduct; and the said contractor shall dismiss all similar persons employed at said work, whenever thereto directed by the said superintendant, engineer, or assistant engineer. It is understood that if the commissioners should conclude that the rock on which the dam is founded, is not of a suitable material to go into the dam and wooden lock, as

expressed by Messrs. Lacock and Stealy, that the said Glenn is to be allowed, according to the acting engineer's estimate, for any expense that he may be at. And that the said James Glenn is to be

paid for completing this contract, as follows:

For the dam, and finding all materials, including pier head, per lineal foot, from lock to abutment, twelve dollars. For embankment, twenty-five cents. For excavating the foundation of the dam, per cubic yard, solid rock, seventy-five cents. For excavating the foundation of the abutments, per cubic yard, twenty cents. For building the abutment, per perch of twenty five cubic feet, rubble work, three dollars and ninety cents.

It is further agreed by the parties, that if any items of work that may necessarily occur in constructing said dam, or in providing materials for the same, or in excavating foundations, not specified in this contract, nor mentioned in the specifications before mentioned, shall be estimated by the engineer, and paid for accordingly; except that no allowance shall be made for bailing water.

The payments to be made in the following manner: upon the delivery of the materials at the place assigned, the engineer shall estimate the value of the sume, and upon his certificate being presented to the superintendant, the amount thereof shall be paid, deducting therefrom fifteen per cent. And on or about the fifteenth day of each succeeding month, within the limits of this contract, an estimate shall be made of the quantity of work done, certificate granted, and payment in like proportion made thereunto. The fifteen per cent. directed to be retained, to be withheld until the contract is completed, unless the board of commissioners shall direct the same, or any part thereof, to be sooner paid. And further, at the expiration of the period stipulated for the completion of this contract, and the said dam has been tested by water, if the whole work shall be finished to the satisfaction of the superintendent, the said engineer shall estimate it, and within twenty days after the presentation of his certificate, under his hand, to the superintendant, the balance which may remain due, shall be paid.

And the said James Glenn hereby binds himself, his heirs, ex-

ecutors, administrators and assigns, in the penal sum of

, to finish and deliver up the said dam on or before the first day of December, 1834—to finish and deliver up this contract on or before the first day of December, 1834.

In witness whereof, the said parties have herunto set their hands

and seals, the day and year first above mentioned.

JAMES GLENN,	[Sea
JAMES R. SKILES,	Sea
SIMPSON STOUT,	Sea
STEPHEN ASHBY,	Sea
HENRY SHANKS,	Sea

WITNESS:

M. W. HENRY, WM. WORTHINGTON.

[D.]

TREASURY OFFICE, 3rd January, 1834.

SIR.

You will please lay before the honorable House, over which you preside, the enclosed Report.

Yours Respectfully,

JAMES DAVIDSON, Treasurer.

Hon. RICHARD B. NEW, Speaker of the House of Representatives.

TREASURER'S REPORT.

No. 1.

A STATEMENT showing the amount of moneys received by the Treasurer (under their appropriate heads,) from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive.

BANK STOCK FUND-From Tellico Lands, 5 00 " Headright Lands, 345 87 " Land Warrants.

	1,017 /2		
	Balding Commencer of the Commencer of th	\$ 1,968	62
22	Non-residents' Lands,	2,109	
99	Lands West Tennessee River, in Specie,	4.045	
27	Lands West Tennessee River, Com'wealth's paper	, 25,506	
39	Lands West of Cumberland River,	276	
99	Lands East of Cumberland River,		50
99	Warrants to be laid on forfeited Lands,		00
- 77	Do to confirm Titles,		00
20	Sheriffs, for Revenue,	64,758	
" "	Clerks, for Taxes, 17,916 36		00
23	Register of the Land Office, 864 50		
	AND THE PARTY OF T	18,780	86
23	Treasurer of the town of Columbus,	2,210	
77	Miscellaneous Receipts,	52	
79	Bank of Kentucky, for Stock-in Specie,	15,912	Mines I will
"	Do do in Commonwealth's paper,	7,956	
27	Bank of the Commonwealth (nett profits,)	10,704	
Tota	l amount received during the year ending the 10th day of October, 1833,	154,346	20

Of which is in Specie, 19,957 00 in Commonwealth's paper. \$134,389 20

No. 2.

A STATEMENT showing the amount of warrants paid by the Treasurer (under their appropriate heads,) from the 11th day of October, 1832, to the 10th day of October, 1833, inclusive.

On Criminal Prosecutions,	\$12,119	29
For Lunatics,	12,063	
" Clerks Services,	6,535	11
To Jailors,	7,600	16
" Attorneys for the Commonwealth,	4,988	
" Salaries of the Judicial and Executive Departments,	29,703	61
" Contingent Expenses,	1,720	
" Contingent Expenses, in Specie,	50	00
" Executive Offices,	2,399	11
" Commissioners of Tax,	3,940	87
" Military Expenses,	621	69
" Money Refunded,	437	04
" Decisions of the Court of Appeals,	3,642	00
" Slaves Executed,	2,364	28
" Turnpike Roads,	24,214	27
" Turnpike Roads, in Specie,	25,360	78
" Appropriation Dec. Session, 1831,	541	00
" Appropriation Dec. Session, 1832,	22,944	54
" Public communications,	871	03
" Public communications, in Specie,	156	32
" Sheriffs comparing polls,	2,124	97
" Institution for the tuition of the Deaf and Dumb,	3,337	57
" Public Roads,	86	50
" Election of President and Vice President,	437	09
" Legislature Dec. Session, 1832,	18,252	60
" Digest of the Decisions of the court of Appeals,	4,380	00
" Public Printer,	11	00
" Sheriffs for Revenue,	228	34
" Drawback on public Lands, in Specie,	116	61
" Taylorsville Bridge,	857	14
" Taylorsville Bridge, in Specie,	900	00
" Rockcastle Bridge, in Specie,	9	00
" Distributing the Acts and Journals,	225	00
m 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	In Version	100,000
Total amount of warrants paid from the 11th day of Oc-	109 090	90
tober, 1832, to the 10th day of Oct. 1833, inclusive,	193,238	09
Of which is in Specie,	26,592	71
Ditto in Commonwealth's paper,	166,646	18
Total amount of warrants paid in Commonwealth's paper, from the 11th day of October, 1832, to the 10th	Selaw Rose	
day of October, 1833, as above stated,	166,646	18

20	TREASURER'S REPO	ORT.	[Jour.	
cancelled and p	orsville Bridge for 900 do aid in Commonwealth's par cent. allowed on \$4,045 receiver of Public money	received of	1,000 00	
	·		167,848 43	
Balance due from ber, 1833,	Government on the 10th o	lay of Octo-	96,359 90	
Making the whole	e debt, in Commonwealth's	paper,	264,208 33	
ment No. 1, Also, amount this	day credited the Treasury, f the Commonwealth, (see ly,)	134,381 20	264,208 33	
day of Octobe October, 1833. To which add the ment, the 10th Makin From which deco per statement Also a warrant of ville Bridge an	e balance due from Govern- n day of October, 1832, og the whole debt, luct amount of receipts as	26,592 71 51,175 06 19,957 00 , 900 00	77,767 77	
act of Assemb	oly,)	56,910 77	77,767 77	Section Section
		THE RESERVE TO SHARE THE PARTY OF THE PARTY	CONTRACTOR OF THE PERSON OF TH	

Report of the Commissioners appointed to settle with the Agent and Keeper of the Penitentiary.

FRANKFORT, JANUARY 3, 1834.

Dear Sir-You will please lay before the Senate the enclosed statement of the situation of the Penitentiary.

And oblige

Yours, very respectfully, JOHN GLOVER,

BEN. R. POLLARD,

Commissioners.

The Hon. RICHARD B. NEW,

Speaker of the House of Representatives.

In conformity to an act of the General Assembly, passed at the last session of the Legislature, appointing us commissioners to settle and adjust the accounts of the Keeper of the Penitentiary, we submit the following report:

The books of the institution have been carefully examined, and the balances ascertained up to the 31st day of December, 1833, inclusive, from which it appears, there remains due to the institution from individuals, on accounts, the sum of \$23,135 28

Notes on hand,	8,786 81
Interest on the same,	367 17
Notes in suit,	600 64

From the State for articles furnished by the Keeper to the		
building commissioners of the State House,	12,625	47
District 24 new cells as directed by		

act of Assembly, approved 29th Jan. 1829,	2,116 80
For raising the outer wall of the Penitentiary six feet	

higher, and covering the same with loose stone,	1,546 81
For advances made by the Keeper to convicts on their	

discharge, after serving their term of imprisonment,	1,133 1	2
	17,011 5	2
From the State for articles furnished for the repairs of the		

Government	House.	523 7	15
Cash on hand		604 1	3

(Amount brought forward,) To which add the amount of manufactured article Raw materials on hand,	es,	\$	3,783 3,697	93
			\$75,932	77
From which deduct the debts owing by the institution,	4,099 1,785	72	5,884	79
Also for debts supposed to be bad and doubtful,	1,700	00	3,004	12
Total amount of profits,			\$70,048	05

In addition to the above sum, there has been expended in retaking convicts escaped from imprisonment, in rewards and other expenses, the sum of \$1,744 56. Whether this sum should be charged to the State, to the Penitentiary, or to the Keeper, or made a joint loss, is a matter respectfully submitted.

We think it probable that the institution is indebted to an amount beyond the sum here reported, as ascertained from the books; many articles have been received by the Keeper, as he informs us, unaccompanied by a bill, consequently they have not been placed to the credit of the person from whom they were purchased, and in such cases it has not been in our power to ascertain the true situation of the accounts, but have reported them as exhibited by the books.

In making the foregoing estimate, we have devoted much time and attention to the books and accounts of the institution, still, we do not exhibit this with entire confidence of its correctness; the difficulty in taking a correct and complete inventory, while a considerable portion of the materials are in the hands of the workmen in an unfinished condition, must be obvious to all; we, however, are of opinion, that the articles as estimated raw, as well as manufactured, will insure a sale without loss to the institution.

In ascertaining the profits of the institution, we have been compelled to resort to other data than that contained in the general account of the institution, which ought to have shewn the true situation of it at any time, if the books had been properly opened and kept; and we are of the opinion that if this had been correctly done, the general account would have exhibited a result not very different from the foregoing; but instead of that, it falls short at least thirty thousand dollars.

In making the foregoing remarks, we wish not to be understood as intending to impugn the motives of the officers whose duties placed them in charge of the books: We believe they have all been actuated from an ardent desire to promote the interest and prosperity of the institution.

We are decidedly of the opinion that the Penitentiary is at this time

in a prosperous condition; the keeper appears to be well qualified and to possess a peculiar tact for the management of such an institution. The prompt and energetic course pursued in the internal regulations of the prison, warrants an opinion favorable to its future success.

All of which is respectfully submitted by

JOHN GLOVER, BENJ. R. POLLARD, Commissioners.

[G.]

BANK OF KENTUCKY, January 1st, 1834.

SIR,—I have the honor of transmitting to you for the information of the House of Representatives, a general statement of the condition of this institution on the 31st ultimo, inclusive.

The entire amount of capital stock now held in the institution is composed of 17,148 shares, amounting nominally to the sum of 341,704 dollars, of which the State of Kentucky is the owner of 5,967 shares, amounting to 119,340 dollars, and corporate and individual stockholders own 11,181 shares, amounting to 222,364 dollars.

It will be perceived on a comparison of the present with previous reports from this institution, that in stating the number of shares and amount of capital stock, the discrimination heretofore made between full or complete shares and residuary stock is discontinued, because the inequality of shares which produced that distinction has ceased to exist: all the stockholders having received, or being entitled to receive, eighty per cent. or 80 dollars on each share of their stock. Within the current year, ending the 31st ultimo, the institution has, by means of negociations and compromises with individuals for doubtful and bad debts, and for the sale of real estate, effected a redemption of 1,428 shares of its capital stock, amounting nominally to the sum of 28,560 dollars.— Within the same period of time, it has redeemed of its notes then in circulation 578 dollars 75 cents by payment in silver, which have been subsequently cancelled and burnt in the presence of the Auditor and Treasurer, in conformity with statutary provisions, and reduces the entire amount of notes now in circulation to 31,543 dollars 39 cents; not ten per cent. of the amount it is confidently believed will ever be presented for payment, which will produce a nett gain to the Bank of about 30,000 dollars. The very slow progress made by the institution in the

redemption of its notes, furnishes conclusive proof that but a very small proportion of the amount reported to be in circulation can be held by either corporations or individuals, and that consequently, the balance must be lost or destroyed. The Bank has now been redeeming its notes with specie for four years, and there being no possible inducement to the holders of its paper, if any, to retain it longer on hand, the board of directors have, with a view to facilitate closing of the Bank, caused an order to be entered up fixing on the first day of July, 1835, as the period of limitation for the presentment of such paper as is now reported to be in circulation, which if not presented within the time specified, is to be considered as forfeited to the corporation. Notice to this effect has been given by the cashier through the public newspapers of this state.

On reference to the general statement submitted, it will be seen that the "current profits" of the institution for the year ending the 31st ult. amounted to the sum of 10,758 dollars 95 cents, and the "current expenses" for the same period, amounted to the sum of 4,812 dollars 56 cents, leaving an excess of nett gain to the institution on the operations of the last year, the sum of 5,946 dollars 39 cents, which has been carried to the general account of "surplus profits." It will be seen by a comparison of the present with my last annual report, that there has been a great diminution in the "current profits" of the institution, while there is not, nor can there be, under the present system, a corresponding diminution in the "current expenses." The board of directors have, by a rigid system of economy and by all the just and proper means within their control, diminished the expenses of the institution as far as was consistent with its interest and safety, even to the discontinuing its only agent; leaving the entire and yet wide spread business of the institution to be conducted by its President, Cashier and Clerk. is gratifying, however, to be able to state, that the "current expenses" of the institution will, at no time within the period of its charter, equal the "current profits."

In conformity with a resolution of the board of directors adopted in May last, requesting the president to draft an address to the stockholders, setting forth the principles on which a portion of the funds of the Bank should be distributed amongst the retaining and residuary stockholders, and submit the same for consideration at their next meeting, the following report, [a copy of which is herewith enclosed marked A.,] was submitted by him, considered and unanimously adopted by the board.

On the adoption of the report and accompanying resolution, the board of directors ordered a distribution of 49,828 dollars 96 cents of

the "surplus profits" of the institution to be made amongst the retaining and residuary stockholders, payable on the first day of July following, two-thirds of which was directed to be paid in silver or notes of the Bank of the United States, and one-third in notes of the Bank of the Commonwealth of Kentucky; and the Cashier was instructed to assign to each stockholder the just proportion of said sum of 49,828 dollars 96 cents agreeably to the principles contained in the report and accompanying resolution before alluded to, which assignment or apportionment of interest produced the following results.

To the retained stock and that partially surrendered

subsequent to 1st. of May, 1830,	19ª	UU	per snare.
To stock partially surrendered between 1st July,			it states
1829, and first of May, 1830,		78	do.
do. 1st. July, 1828, and 1st. July, 1829,	3	40	do.

 do.
 1st. July, 1827, and 1st. July, 1828,
 2 91
 do.

 do.
 1st. July, 1826, and 1st. July, 1827,
 2 23
 do.

 do.
 1st. July, 1825, and 1st. July, 1826,
 1 00
 do.

and to stock surrendered between 1st. January, 1825, and 1st. July, 1825, 26 cents per share.

On a comparison of the above table, prepared by the Cashier with much skill and ability, with a report made to the Senate by the President of this institution on the 10th December, 1832, it will be seen that the principle adopted by the board of directors in the distribution made and paid to the stockholders in July last, is in strict conformity to those laid down in the report submitted to the Senate; and they have high gratification in stating that, so far as they are advised, the principle on which the distribution has been made meets the general approbation of the stockholders.

The state's proportion of the sum distributed in July last amounted to 23,868 dollars, being 4 dollars on each share, of which the sum of 15,912 dollars was paid to the Treasurer in money, and 7,956 dollars in notes of the Bank of the Commonwealth of Kentucky.

In referring back to the table of distribution, it will be seen that those stockholders who made a partial surrender of their stock prior to the first of January, 1825, received no portion of the amount distributed in July last, nor will they be entitled to receive any portion of the funds of the institution according to those principles, until those stockholders, who have not made a partial surrender of their stock, shall have received 2 dollars 50 cents more on each share. Hence, by this discrimination in favor of retained stock, so just and reasonable, and not liable, in the estimation of the board of directors, to any sound objection, the

state of Kentucky will receive 38,808 dollars 62 cents more than if such discrimination had not been made.

It is confidently believed, that the means of the institution are now so far within its centrol, that a further distribution will be made and paid to the stockholders on or before the first day of April next, of an amount sufficient to place every grade of stock on a perfect equality.

The period allowed by law for a termination of the affairs of this institution, is not now distant, and it cannot be desirable to the stockholders, as it certainly is not to the officers, that the time should be prolonged; but under the present limitations and restrictions imposed by law, that object cannot be effected within the time presented, or within any definite period; for, so long as there remains a debt due the institution, it cannot be finally closed.

In my report to the legislature of 1831, as well as in that for the year 1832, I respectfully presented the subject to their consideration, and asked that such additional powers be granted to the President and Directors as would enable them, by a sale and transfer of the doubtful and bad debts, to close the concerns of the institution within the period of its charter, an object which must now be as desirable to the legislature, (the representative of the state interest,) as it is to the individual stockholders, or those who control its management; but the legislature, in its wisdom, not having thought proper to act on the subject, I am compelled by a high sense of duty and an earnest desire to see the Bank brought to a speedy termination, most respectfully to renew the subject for their consideration. It is perfectly within the knowledge of the officers of the institution, that the naked proposition submitted to the legislature for authority to sell and transfer the doubtful and bad debts of individuals from whom nothing could be obtained by the process of law, and from whom no proposition for a commutation of their debts could be obtained, induced some of them to come forward and make liberal propositions, comparatively, fearing no doubt that the authority would be given and their debts might be purchased by an individual who would harrass and embarrass them in all their operations through life, unless the debt so purchased was settled. If then the mere fact of presenting the subject to the consideration of the legislature should be attended with such signal results, what might not be expected from that class of debtors were the powers asked by the President and Directors granted them. Had they the undoubted right and legal authority to sell and transfer the doubtful and bad debts due the institution, its business could easily be closed within the time prescribed by law. All the good debts due the institution can easily be collected within the period of its charter; so can the remnant

of the real estate which it owns be sold or otherwise disposed of within the same period of time; but the doubtful and bad debts hang like an incubus on the institution. It is therefore most respectfully submitted to the consideration of the legislature, whether they will authorise the President and Directors of the Bank of Kentucky to sell at public auction, or otherwise, the doubtful and bad debts due the institution, giving and granting to the purchaser the same rights and remedies which the Bank now has either in law or equity to enforce their collection.

It is confidently believed, that under a power thus given, with such limitations and restrictions, as the legislature may think just and proper to impose, a very large sum may be realized, which never will be obtained otherwise, because that class of individual debtors know, that when the corporation ceases to exist, there is no authority for prosecuting them any further; that suits must be dismissed, claims abandoned, and that they are absolved from all legal responsibility.

It may not be improper, and it certainly is intended to be respectful to the legislature, to suggest, in some degree, a detail of the plan of operations intended under the power which is asked, and the manner in which that power will be exercised: It consists mainly in this, that the doubtful and bad debts, which originated at the principal office of the Bank, or any one of its late offices of discount and deposite, shall be advertised for three months before the day of sale at the place where such debt originated, giving the parties names who are bound for the debt, the amount, &c. and credit, if any. This would enable the friends of an unfortunate debtor to buy up his paper at a greater or less discount, thereby relieving him of his embarrassment, and, in many instances, restore a valuable citizen to his family and society, who otherwise might linger out a painful existence in poverty and wretchedness.

It is further respectfully suggested to the consideration of the legislature, that as the Bank of Kentucky will soon cease to want a banking house or office, whether it would not be good policy in the state, to become the owner of the present banking house of the Bank of Kentucky, which would afford a safe place of deposite for the funds of the Treasurer, and a convenient office for the transaction of his official duties, even if it were not wanting for any other purpose. The state is the owner of a large portion of the stock in the Bank of Kentucky, and the corporation would cheerfully exchange the property for such a portion or that stock as might be mutually agreed on.

I have the honor to be, most respectfully,

P. DUDLEY, President.

HON. RICHARD B. NEW, Speaker of the House of Representatives.

Statement of the Situation of	the the	Ban	ik e	of	Ke	ntucky	, Dec. 31	, 1833.
Due to other Banks,		4			-	-	\$ 7,464	88
Notes issued,			5526		-0		31,543	39
Surplus profits,					-	2 300	263,403	39
Current profits,							10,758	95
							341,704	00
Stock,							71,267	75
Due to individuals,							200 00 000	
							\$726,142	36
							A STATE OF THE STA	
Current expenses,						9/5/5	\$ 4,812	56
Due from other Banks,					54		12,818	
Real estate,					-		233,207	
Due from individuals,		1			4		427,310	
Defalcation at branches,		-			-		20,782	64
CASH ON HAND—Silver,					\$	402	85	to the second
Notes of specie Banks,		-	14		1	7,248	04	
do. Bank of Commonwe	alth,					9,346	76	
do. Uncurrent Banks,				-		206		
do. Bank of Kentucky,				-		7	00	
do. Build III					-		27,210	65
							4796 TAS	26
				P			\$726,142	
Attest,					H	. BL	ANTON,	Clerk.

[A.]

At a Meeting of the Board of Directors for the Bank of Kentucky, May 17, 1833. PRESENT—Peter Dudley, President, John Brown, Jacob Swigert, Charles S. Morehead and James Shannon, Directors.

In conformity to the resolution of the Board at their last meeting, the President submitted the following address to the Stockholders.

The period has now arrived in the operations of this institution, when it becomes the duty of the President and Directors to determine on and make known the principle by which they will be governed in the distribution of the balance of the funds of the institution amongst its Stockholders; but before they declare this principle, it is deemed just and proper, that the Stockholders shall be put in possession of all the information necessary for a correct understanding of the subject. To do this, a concise history of the operations of the institution from the passage of the law repealing its charter to the present time, is indispensably necessary.

By an act of the Legislature of this State, approved 5th December, 1822, the charter of the Bank of Kentucky was repealed, and by the third section of said act it was provided: "That the President and Directors of said Bank shall receive Stock in discharge of debts due said institution, at such discounts as to them shall seem just and reasonable, making due allowance for bad debts and losses, which it is probable said Bank may sustain." In conformity with this provision of the act, which made it imperative on the President and Directors to receive stock in discharge of debts due the institution, they proceeded to make the necessary estimates of "bad debts and losses?" of the Bank, with

a view of determining at what rate stock, originally \$100 per share, should be received in payment; and on the 19th December, 1832, adopted the following resolution: "Resolved, that surrenders of stock, in payment of debts, be allowed at the rate of \$80 the share, the party surrendering, retaining upon the balance of said stock the right to a rateable proportion of such surplus as upon a final settlement may be on hand." They also, by resolution, prescribed the form of a certificate to be given the surrendering stockholders, for a "residuary interest of one-fifth in each share," thus surrendered, "which interest will be entitled, on a final settlement of the concerns of the Bank, to such share of the distributable funds as may appear to be its fair proportion."

On the same day, the President and Directors adopted another resolution directing "one fifth of the semi-annual profits, after deducting all the expenses, to be carried to the surplus fund, and that the residue of profits constitute a divisable fund amongst the retaining stockholders." Under this new organization, rendered necessary in conformity with the act referred to, the operations of the institution commenced in December, 1822, by a suspension of dividends of profits, the reception of stock in payment of debts at the rate of \$80 per share, varying in the amount at which it was received in payment of debts at the different periods of surrendering, deducting therefrom the distributions which had been made and paid over, and the distributions of its capital stock by regular instalments up to 1st. of March, 1832, at which period each and every stockholder, whether he surrendered or retained his stock, had received, or was entitled to receive, eighty per cent. or \$80 on each share.

It is thus shewn how, and in what manner, the stockholders have received, or are entitled to receive, eighty per cent. or \$80 on each share of their capital stock, and as a considerable fund has accumulated in the hands of the Cashier to be distributed, it becomes highly proper and expedient to determine what apportionment shall be made of those means, so as to dispense justice to the retaining and residuary stockholders, by a due respect to the rights derived under the charter as originally framed and subsequently modified. Had not the original integral composition of the shares of stock been destroyed by the act of December 5, 1822, and the corporate regulations growing out of that act, no anomalous or fractional interest of shares would have been created, and the settlement of the affairs of the institutian would have been simple and plain. The laws of co-partnership, upon the ordinary principles of distribution, would then entitle each share to an equal dividend. Does then this modification of original stock interests dictate of itself any other rule of apportionment or distribution? or is there any thing in the terms of the corporation laws or regulations indicating a different principle of settlement? The law simply compels the reception of stock in payment of debts at such discount as may be thought reasonable and just, making due allowance for bad debts and losses, entitling the balance to a due proportion of the surplus means of the Bank. According then to the law, no other change is made in the relative position of the stockholders to each other or to the Bank, than the mere process of reducing the shares surrendered from \$100 to \$20 each. The principles and rules which pre-existed for defining and adjusting the rights of partners in a common or joint concern are left undisturbed by this arrangement; it is the proportions alone of interest which are varied. The principles upon which that interest is constituted, remain untouched, and in settling the amount to be paid to the retaining and to the residuary stockholders, the same general principles of division must be recurred to, that would have governed had none of the shares undergone this change. It is conclusive from the general and indefinite terms used in the law for expressing this contingent right of the residuary shares to such portion

of the surplus as may appear to be justly due, "that the adjustment of the matter was

intended to be left to the then existing and well settled law of co-partnerships. Bank regulations appear to be framed in the same sense and spirit. For one-fifth of the annual profits, after deducting the expenses, were ordered "to be carried to the surplufund, and the residue of profits were to constitute a divisable fund among the retaining stockholders." These Bank regulations are not only valuable as they define and settle, to the extent of their powers, the relative rights of the retaining and the residuary stockholders, but also furnish a cotemporaneous understanding and exposition of the law by those who were bound to interpret and act upon it. It is however suggested, notwithstanding the injunctions of the law and those of the corporation, that to allow the retaining stockholders no greater premium or interest for the use of their capital than the diminished nett profits of the institution, is incompatible with justice; that the residuary stockholders, who, by a partial surrender of their stock to the Bank in payment of debts, realized 80 per cent. on their stock, should be charged on the books of the Bank with lawful interest on the amount surrendered until a final distribution or settlement takes place, and that the retaining stockholders be charged in like manner on all distributions they have received, or that legal or some other rate of interest, commensurate to a fair compensation for the use of capital, be allowed to the retaining stockholders before a common and equal distribution shall be made of the means of the Bank. This position is sustained by the argument that the debts extinguished by stock carried legal interest, and that the productive funds or profits of the institution were curtailed by this mode of payment. This claim, although the retaining stockholders have suffered much hardship, is not well based either in data or argument.

The diminution of profits arises, not so much from this operation of receiving stock in payment of debts, as from the cessation of banking accommodations in the form of discounts or loans, and of winding up the institution, which was commenced by the same law that dictated those stock arrangements. That mandate was imperative, both from general principles of legislation and of chartered provisions, and was not to be disobeyed under heavy forfeitures and total ruin to the corporation. Nor is it certain that the profits would have exceeded their present ratio, had not one dollar of stock been received in payment of debts. The Legislature had the rightful power of fixing the time for closing the career of the Bank by chartered stipulations. In fact, it had in that compact retained to itself exclusive powers for controling and regulating its affairs, and one of the conditions of the renewed charter was the power reserved of withdrawing corporate privileges at discretion. The extinction of a larger amount of debt than was effected by stock agency, might have been legitimately prescribed by the same power through some other mode of payment. If such had been the case, the annual profits of the Bank might have fallen short of what they have done, inconsiderable as they are; yet the retaining stockholders could have claimed no more than a fair share of those profits, let them have been ever so much, under what our laws recognize as a fair per centage for the use of money. The residuary stockholders were, on no general principles of just stipulations of the law of 1822, repealing the charter or of the Bank regulations, bound to guarantee to the retaining stockholders a greater sum of profits than that realized by the institution; they surrendered on no such stipulation or agreement. All required of them was to leave twenty per cent. of their stock as a guarantee to the retaining stockholders, to insure eighty per cent on their stock. The Bank regulations prescribed a mode, and provided a fund, by which the disparities arising under the stock arrangements, would be adjusted.

Who can say how much debt has been saved to the institution by the intervention of these stock operations? The times were difficult and embarrassing; the country was

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deeply involved in debt; the currency was limited; the debtors were involved; what loss might have been sustained by exacting payment in a medium difficult, if not impracticable, to be coerced from debtors, is almost impossible to divine. To compel the residuary stockholders to guarantee to the retaining stockholders legal interest upon 80 per cent. of their capital would be a proceeding contrary to the principles of co-partnerships-the obligations of the charter-and would amount to the extinction of that stock itself. Besides, are there no concessions made by the residuary stockholders? and are there no indemnities given by them to the retaining stockholders, for the liberty of surrendering their stock in payment of debts? Do not the retaining stockholders derive from this very act the exclusive right of managing the concerns of the Bank, unrestrained by the wishes, opinions or influence of the residuary stockholders? Who can deny, that the closing of the Bank has been greatly accelerated by these stock operations, and does not that fact constitute some inducement? How much too are these views strengthened by the sources from which this privilege emanated, springing from the Legislature, the lawgivers of the land, organized to promote the general good, extending its care to every interest, whether personal or corporate, endowed with full powers and authority, acting in relation to the subject of its own creation, owning and controling, on behalf of the Commonwealth, a larger portion of its stock, and surrendering no portion of that stock; under such circumstances, such a body must be supposed to have exercised all its wisdom and all its rectitude for the common good.

In conclusion, I have to say that, from my construction of the law, the resolution of the President and Directors who were acting under that law at the time of its enactment, and the common principles of just distribution, whether individual or corporate partnership concerns, there is but one plain, just and obvious principle to govern in apportioning the remaining funds of the institution amongst the different grades of stockholders, and that principle is to take the amount of interest, discounts, &c. constituting profits, and to deduct therefrom the expenses of the institution from the date of the last dividend of profits to the period of the first distribution of the capital stock, and assign those profits to the retaining and residuary stockholders pro rata, or in equal proportions, agreeably to the amount of stock held by them respectively, and in like manner, at the period of each distribution of the capital stock, make the same assignment of the profits, which have accrued within those periods, to the stockholders in proportion to the amount held by them respectively.

The foregoing report having been read, was unanimously adopted.

The following resolution was then offered by the President and adopted, to-wit:

Resolved, That the Cashier be instructed to pay to the Stockholders, from and after the first day of July next, the sum of \$49,828 90 cents; two-thirds thereof in silver or notes of the Bank of the United States, and one-third in notes of the Bank of the Commonwealth; and that in assigning the amount to be paid to the retaining and residuary Stockholders, he shall be governed by the following principle, to-wit: Take the amount of interest, discount, &c. constituting profits, and deduct therefrom the expenses of the institution from the date of the last dividend of profits to the period of the first distribution of the capital stock, and assign those profits to the retaining and residuary Stockholders pro rata or in equal proportions, agreeably to the amount of stock held by them respectively, and in like manner, at the period of each distribution of the capital stock make the same assignment of the profits, which have accrued within these periods, to the stockholders in proportion to the amount held by them respectively.

Extract from the minutes.

ATTEST,

H. BLANTON, CLERK.

[H.] THE PENITENTIARY.

Report of the Agent and Keeper of the Kentucky Penitentiary.
To the Honorable,

THE LEGISLATURE OF KENTUCKY:

The time has again arrived when it is made my duty, by law, and my privilege by a merciful Providence, to make to you another annual report, shewing you the condition of the institution, which, by the Legislature of Kentucky, has been confided to my care and management.

As to its financial concerns, I will refer you for information to the report of the commissioners, appointed by the last Legislature, to examine the institution and report its condition up to the first day of January, 1834. Those gentlemen have had access to the books, and have performed an arduous task, which, I hope, will be satisfactory to you, as far

as relates to them and to myself.

As regards the health of the prisoners, it was good from the time of the last report until the commencement of the Cholera, which took place in June last, and caused us nearly to suspend business in the prison for about ninety days; during which time, we lost fourteen convicts of All of the convicts, except two were sick of the disease, and nearly all of them had from two, to five relapses. I thought it advisable to employ six guards during the prevalence of that disease, and with that view, I had six at its commencement, four of whom took the disease, as did myself and son, leaving only Mr. H. I. Anderson, the assistant, to attend to the business, aided by such young men as could be obtained, it being difficult to procure any. I personally attended to the sick, neglecting every other business, for about five weeks (prescribing and administering with my own hands, aided by all the assistance I could obtain from Doctors Sharp and Roberts,) until I was myself attacked by the disease. I recovered and relapsed frequently, until his Excellency was kind enough to advise me to leave the place and retire to the country, which I did for about two weeks. His Excellency was also kind enough to procure Mr. Jno. J. Vest to assist Mr. Anderson during my absence. While upon this subject, permit me to impress upon you the necessity of an hospital, for so great was our distress for the want of one, that I am obliged, in justice to myself, to say to you, that a sum could scarcely be named, sufficient to compensate men to risk their lives in nursing the sick, in that awful disease, as we and the attending physicians had to do. We had two escapes from the prison, growing directly out of the want of an hospital, for we were compelled to leave the cell doors open to give air to the sick and the dying, at which time one of the convalescent prisoners let out of his cell the prisoner who opened the cell doors for those who escaped. The expenses of re-taking them was six hundred and seventy-three dollars, which sum would have built a hospital.

Since the disease left us the prisoners have been very healthy, and all things are now in a prosperous condition. Our manufactures have been in fair demand and sales have been brisk.

We have received thirty-five prisoners since my last report. Seventeen have been discharged by the expiration of sentence and thirteen

have been pardoned.

It is due to his Excellency to say, that the number of pardons was increased on account of the prevalence of the cholera, several being pardoned as a reward for their attention in nursing the sick, and some to enable themselves to recover from the disease. We have now seventy-one prisoners, having had fewer than formerly, the whole year.

In his Excellency's message to your honorable body, he stated to you that some improvement in the buildings is necessary, and refers to an exhibit of a plan for the improvement, which I might suggest to you. Impressed with the propriety of changing the internal buildings, I suggested to him my ideas of a plan for a workshop and discipline, proper for our prison; and a rough draught of which, I have made, which, if your honorable body would wish to see it, shall be laid before you, with my

views and explanation thereof.

I suggested to the last Legislature, in my report to them, a desire to retire from the superintendancy of the prison, stating, as my reason, a failing of my physical strength; and I would now beg leave to renew that request, as the labor incident to the office is more than I feel able to perform, and I believe that duty to myself and family, calls upon me to retire to an easier situation, and if, in your opinion, I have been faithful in the discharge of my duty, I beg of you as an acknowledgement thereof, to grant me permission to retire on the first day of March next. If I have been unfaithful, you will of course let me off-so that I may make my calculations that you will grant me my request; and in so doing, you have my pledge, at all times to render any assistance in my power, either to your body or to my successor. Believing you will permit me to retire, I must inform you, that circumstances required me to purchase of Gen. Hardin his stable and lot, which cost me \$650. I had also to purchase the house in which I now live, which cost me \$2750, it being the only way in which I could get possession of it, and it was the only house suitable for the residence of the keeper. I purchased it the more willingly, because the above named property suited the keeper, and would always have to be occupied by him, and I be lieved the Legislature would willingly purchase them for that use; and I would now respectfully offer the property at the same prices at which I purchased it, or at valuation if you prefer, in part payment of your share of the profits of the institution.

Upon referring to the report of the Commissioners appointed to examine the accounts of the institution, you will observe that they complain of the manner in which the books have been kept. I beg leave to remind you that the clerk was placed in office by the appointment of the Governor, and was sworn to keep the accounts of the institution, and was intended to be a check upon the keeper, and as it was the wish of the Legislature, I have always given up solely to the clerks the keeping of the accounts, (whose integrity I have, and do believe is unques

tionable.) Some large mistakes have been made in the first part of the accounts, which can, and ought to be corrected-the greatest mistake is made against myself-to which subject I wish to call your early attention, and it can be more easily explained to you through a committee of your honorable body, which I hope to have the pleasure of meeting as soon and

as frequently as may meet their convenience.

In conclusion, permit me to invite you to visit me by committee, and individually, and as frequently as may be convenient; and as you are nearly all strangers to me, I solicit the favor of you to make yourselves known to me when you visit the institution, in order that I may give you that attention to which you are entitled, and such information as you may desire in relation to the institution. All of which is very respectfully submitted by your obedient servant,

JOEL SCOTT, A. & K. Ky. Pen.

[I.] BANK OF LOUISVILLE.

Report from the Bank of Louisville, shewing the situation of that institution on the 1st day of November, 1833, and 1st day of January, 1834. Bank of Louisville, January 2, 1834.

THE AUDITOR OF PUBLIC ACCOUNTS

Of the State of Kentucky:

SIR-The ninth section of the Charter of this institution, requires that there shall be transmitted to you, to be laid before the Legislature during the first week of its session, an accurate and just statement of the condition of the Bank as it existed on the first day of the preceding month.

In compliance with the requirements of the Charter, such a

statement is herewith respectfully submitted.

The annual meeting of the Legislature having been postponed, (by an act passed subsequent, in point of time, to this act of incorporation,) from the first Monday in December to the last day of December, thereby making it nearly a month longer than was originally intended, between the period of making out the statement and submitting it to the legislature, and presuming that a statement of its concerns brought down to a later period, would be more satisfactory to that body, I have also presented a statement of the condition of the Bank as it existed on the first instant. The Charter also requires that the Auditor shall cause the same to be published at the expense of the Bank, in a public newspaper printed at the Seat of Government, and one printed in Louisville.

I am, very respectfully, your ob't. serv't

A. THRUSTON, Cashier.

A statement of the condition of the Bank of Louisville,

A statement of the condition	November 1	
LIABILITIES. Capital Stock subscribed,	\$1,150,000	leuty.
Call on 1st, 2d and 3d instalments, Less unpaid of 3d instalment,	575,000 8,590	tan in algu day anda anda
" " " 1 " " " 2 " " " 5 " " " 10	5's, 52,900 0's, 49,600 0's, 39,940 60's, 21,500 10's, 44,000 207,940	566,410 00
	5's, 4,800 0's, 10,000 —————————————————————————————————	
Whole amount of circulation, Amount due to other Banks, Do. Do. individual deposito		222,740 20,955 60 102,088 06
MEANS.	\$	912,193 66
Notes discounted, payable in Louisville,	416,006 96	
Bills of exchange, payable out of the State, Am't. due from sundry Banks, Cash on hand, in notes of the	249,602 31 18,481 47	
U. S. Bank & Branches, In gold and silver,	37,775 202,892	ESTABLE CONTRACTOR
To 1	240,627	
Balance to credit of profit and loss, (nett gain,)		12,524 08
	\$924,717 74	924,717 74
A. A. C. Salar Landson, and C.	A. THRUSTON	. Cashier.

A. THRUSTON, Cashier.

A statement of the condition of the Bank of Louisville,

JANUARY 1, 1834.

1,468,823 83

LIABILITIES.

Capital Stock subscribed,		1,150,000	SANTA SANTA SANTA
Call on 1st, 2d, 3d and 4th instalments,		862,500	
Less unpaid on 3d & 4th instalments,	10 10 17 18 18 18 18 18 18 18 18 18 18 18 18 18	58,725	
Actually paid in, Bank notes in circulation, of 5's, """ 10's, """ 20's, """ 50's, """ 100's,	98,350 78,520 107,780 49,850 97,900	432,400	803,775
Post notes payable in Philad'a. 5's, " " 10's,	14,730 9,830 24,560		a super carbo
Deduct post notes in transitu,	1,440	23,120	
Whole amount of circulation, Due to other Banks, " Treasurer Uni-		50,936 20	455,520
ted States, "Gen. Post Office, "Henry M. Shreeve, superintendant,		15,332 42 624 50 30 05	ee 009 17
Due to individual depositors,		aliant side	66,923 17 142,605 66

M			

Notes discounted on	
personal security,	541,539
Bills of exchange pay-	
able out of the State,	656,453
Due from other Banks,	22,841
Cash on hand, in notes	
of the Bank U.States	
and Branches, 68,61	0
" Notes of Banks in	
Cincinnati and Pitts-	
burgh, 4,40	8
" Gold and silver, 204,51	7 06

277,535 06

19

55 32

Balance to credit of profit and loss, (nett gain,)

29,545 29

\$1,948,369 12 1,498,369 12

A. THRUSTON, Cashier.

Bank of Louisville, January 2, 1834.

[K.]

Ninth annual report of the President and Directors of the Louisville and Portland Canal Company.

By the requirements of the Charter and By-Laws of the Company, the Board present to the Stockholders, a statement of their proceedings for the past year:

Partially to carry into effect the provisions of the Act of Assembly of the 12th December, 1831, authorising the Company to increase their Capital Stock to an amount sufficient to cover the actual expenditures for the completion of the Canal, and the interest on the money expended, up to the time of opening the Canal, and to sell as many Shares of Stock at \$100 each, as would accomplish that object, the board did on the 3rd of June last, make a dividend of \$30 per Share on 4,665 Shares, and of \$20 per share on 1,335 Shares, for interest, and the tolls before that time received and expended in completing the Canal; and also a further appropriation of \$5,700 for unliquidated claims—all which amounted to the sum of \$172,350, payable in the new stock of the company to the holders of Stock, of which sum, \$161,500 has been liquidated by delivering to Stockholders 1615 Shares of new stock, and the sum of

\$10,850 remains to the credit of Stockholders, for which shares will be issued when demanded. The loan made by the Company, redeemable in 1837, may at the option of the lenders, be also claimed in the Stock of the Company—and by the provisions of said act of assembly, may with its accruing interest, be also converted into stock, which with the stock already created, will make the number of Shares 9,450, forming a

capital of \$945,000.

By the following account of receipts and expenditures of the Company, it will be seen, that the unliquidated debt of last year has been paid, and that the Company now owe, exclusive of the loan, about \$2,700 in unsettled balances. They have received for Stone sold, and other small receipts, the sum of \$1,138 55, and there remains due for Stone, about \$1,500, and for Iron still on hand, about \$1,500. The Stone on the bank of the Canal, by being gradually disposed of, will produce an annual income of about \$2000 for many years.

The General Account of the Company for the year is as follows:

Dr.

Received for Tolls in the year 1833,	\$2,626 60,736 1,138	92
	64,502	16
cr.		
Paid on account of interest,	\$7,172	46
Do. the debts of the last year,-	9,712	89
Do. on account of superintendance and labor on Locks,	2,895	02
Do. on account of repairs and alterations,	5,707	35
Do. repairs of injury by depredators,	845	32
Do. on account of watching and lighting,	- 714	18
Do. incidental expenses,	- 1,046	00
Do. balance of cash in the Treasury,	36,408	94
	64,502	16
	PHOTO BEAUTION OF THE PARTY OF	STATE OF THE PERSONS

The expenditures of the past year, have been large, in consequence of the necessity of perfecting many parts of the Canal, which being of a permanent character, are not to be considered as pertaining to the annual charges on the work. A Draw Bridge has been erected over the Guard Lock, which could not be dispensed with, it being required for the accommodation of the public, as connecting the villages of Portland and Shippingport. A Dredging Machine has been constructed, and is found to be effectual in removing the mud bars, deposited by the periodical freshets of the river at both ends of the Canal. The cast iron segments on which the Lock Gates were moved, and the rollers running on them, were found to be of an improper construction, and much expense has been incurred in replacing them by others, which experience has shewn, are more suited to the desired object. The wall at the upper end of

the Canal, has been extended the past season, by a lateral projection of about 150 feet, the current is turned off, so as to prevent the entrance of drift wood, in all stages of water, below the the top of the wall, and the river seldom rises above that height. Among the items of expense will be found the sum of \$845 32, for repairs of lock walls, &c. and the sum of \$714 18, for guarding and lighting the Canal. It will be recollected, that in January last, the board offered a reward of \$1000 for the detection of the persons who did on the 23rd of that month, with the most evil intent, attempt to blow up the Locks of the Canal with gunpowder, in which attempt they but partially succeeded, owing, as was supposed, to a heavy rain then falling, the blast did not take effect, still the injury was considerable, and the whole appearance very alarming-the villains repeated their attempts by preparations to blow up the Stone Bridge, and by sinking boats loaded with coal, at the entrance of the Canal, to remove which, was attended with much trouble and expense. All efforts to discover the perpetrators of these acts of villainy were fruitless, except that the board were convinced that they emanated from worthless and irresponsible persons. Since the discovery of these designs, a nightly watch has been kept on the whole line of the Canal, and lamps have been erected, and are kept lighted on the Locks. An Act of Assembly has been passed, making such outrages felony, which, with the vigilance keptup by the Company, it is but fair to presume, will prevent a repetition of such base proceedings. Many of the stones piled on the sides of the Canal and all other obstructions have been removed during the past year, so as to render the Canal a safe and easy navigation to all boats navigating the Western waters, with few excep-

The result of the business of the past year, as shewn by the subjoined list of Boats that have passed through the Canal, must be highly satisfactory to the Stockholders, and more than equals the most sanguine expectations of the original undertakers of this great National object. The unprecedented growth and prosperity of the commerce of the Ohio, will cause a corresponding increase in the income of the Canal. By a comparison of the receipts of tolls of the last quarter of the year 1833, with that of the corresponding quarter of 1832, under similar circumstances

in the stage of the river, the increase is more than three fold.

By the balance of cash in the Treasury, it will be seen, that a Dividend of six per centum on the original Stock of the Company can be made, and the board recommend to the Stockholders, that a dividend of that amount be declared and paid out to the Stockholders, on demand.

SIMEON S GOODWIN, JOHN HULME, JAMES MARSHALL.

Office of the Louisville and Portland Canal Company, January 6th, 1834.

Abstract of the Boats that have passed, and Tolls received on the Louisville and Portland Canal.

1831—406 Steam Boats, 421 Flat and Keel Boats, 76,323 tons—amount received, - - - \$12,750 77

1832—453 Steam Boats, 179 Flat and Keel Boats, 70,109 tons—amount received, 25,756 12 1833—875 Steam Boats, 710 Flat and Keel Boats, 169,885

tons—amount received, - - - 60,736 92

\$99,243 81

Total number of Steam Boats 1,734—Flats and Keels 1,310—amount of tonage 316,317.

At a meeting of the Stockholders of the Louisville and Portland Canal Company at their office in the City of Louisville, January 6th, 1834, the Report of the President and Directors was received and ordered to be printed.

The following persons were then elected President and Directors for

the present year:

JAMES MARSHALL, PRESIDENT,

SIMEON S. GOODWIN, JOHN HULME, ELIHU CHANCEY, THOS. C. ROCKHILL,

Directors.

RESOLVED, That the Board of President and Directors be directed to make and pay out to the Stockholders, a dividend of six dollars per Share on the original 6000 Shares of Stock in this Company, to be paid to the persons in whose names the Stock stands on the books of the Company on this day.

W. G. BAKEWELL, CHAIRMAN.

[Extract from the Minutes.] S. S. GOODWIN, SECRETARY.

A List of the different named Steam Boats.

As furnished by the Collector, that have passed through the Canal, in 1833, with the tonnage and toll of each for every passage through the Locks.

	Measur	ement	Canal to	olls at	No. of
Names of Boats	Tons	95th	40 cts. pe	trips	
	A STATE OF THE STATE OF		Dol.	Cts	1833
Andrew Jackson,	98	45	39	38	2
Abeona,	151	00	60	40	2
Arab,	150	00	60	00	1
Amulet,	132	04	52	81	1
Argus,	121	89	48	75	12
Arkansaw,	115	00	46	00	4
Assiniboine,	149	05	59	62	1
Albion,	38	66	15	46	4
Belfast,	435	89	174	34	4

Names of Boats.	Measures Tons	ment 95th	Canal tol 40 cts. pe		No. of trips
7.10	400	00	Dol.	Cls	1833
Baltic,	407	00	162	80	4
Boonslick,	295	51	118	20	1
Bayou Sara,	244	53	97	81	1 4
Bonnets O'Blue,	177 137	78 17	71	11	2
Black Hawk, No. 1,	137	27	54 54	86	8
Black Hawk, No. 2,	148	14	59	25	4
Boston,	139	91	55	96	2
Bonita,	80	50	32	20	2
Bravo,	84	20	33	68	15
Banner, Chancellor,	440	00	176	00	3
	315	00	126	00	9
Convoy, Constitution,	262	00	104	80	5
Cincinnatian,	236	03	94	41	7
Criterion,	167	61	67	04	4
Chesapeake,	154	77	61	90	8
Champion,	195	58	78	23	6
Carrol,	98	40	39	36	2
Compromise,	132	55	53	02	11
Caroline,	78	23	31	29	3
Cavalier,	98	65	39	46	12
Courier,	114	53	45	81	8
Chief Justice Marshal		55	78	62	8
Chester,	214	68	85	87	2
Chippewa,	150	30	60	12	4
Consort, (sunk)	113	77	45	50	ī
Conveyance,	90	37	36	14	16
Charleston,	80	71	32	28	19
Carrolton,	180	10	72	04	1
Chieftian,	113	00	45	20	2
Creole,	171	50	68	60	1
Companion,	89	45	35	78	19
Caledonia,	122	90	49	16	1
Ceres,	58	34	23	33	ý
Citizen,	97	25	38	90	2
Dover,	172	53	69	00	2
Delphine, (burnt)	137	59	55	00	3
Don Juan,	103	25	41	30	13
Dove,	97	72	39	08	15
Diana, (sunk)	99	18	39	67	1
Envoy,	, 91	81	36	72	16
Express,	105	81	42	32	8
Erin,	88	91	35	56	2
Emigrant,	88	40	35	36	2
Erie,	78	42	31	36	3
Eclipse,	53	85	21	54	1
Enterprize,	50	00	20	00	1
Farmer,	277	33	110	93	10

142

	Measur		Canal to		No. of
Names of Boats.	Tons	95th	40 cts. per		trips. 1833.
	140	82	Dol. 57	Cts. 12	10
Freedom,	142	85	43	94	20
Free Trader,	109	29	52	91	1
Fame,	60	20	24	08	4
Fairy Queen,	158	05	63	22	Ĝ
Grenadier,	74	92	29	96	4
Gallipolis,	424	87	169	94	6.
Henry Clay,	346	50	138	60	6
Hudson,	324	03	129	61	4
Hibernia,	339	83	135	93	2
Huntsville,	136	40	54	56	23
Huntsman,	116	68	46	67	9
Hawk Eye,		25	64	50	1
Harry Hill,	161 121	48	48	59	4
Halcyon, (sunk)		10	34	84	13
Highlander,	87	73	38	19	2
Heroine,	96	30	34	52	6
Herald,	86	93	35	57	4
Helen Mar,	88	73	39	50	28
Illinois,	98	68	39	87	1
Jack Downing,	99	32	41	32	î
Java,	103		44	26	8
Juniata,	110	66	62	41	2
John Nelson	156	03	59	26	12
Jefferson,	148	16	52	00	4
Junius,	130	00	114	21	5
Kentuckian,	285	54	122	40	5
Louisiana,	306	00	79	14	3
Lexington,	197	87	70	82	6
Lady Franklin,	177	05	48	21	11
Lady Jackson,	120	53	36	00	3
Lady Byron,	90	02	38	74	5
Lady Washington,	96	85	44	00	1
Lady Madison,	110	00	74	25	4
La Fouche,	186	49		15	2
Lancaster,	130	39	52	66	5
Lafayette, (sunk)	84	15	33	92	4
Little Rock,	84	80	33	40	6
Mohican,	271	00	148		2
Mountineer,	188	61	75	44	27
Metamora,	89	04	35	61	22
Messenger,	94	58	37	83	13
Mount Vernon,	86	- 00	34	40	
Magnolia,	98	25	39	30	5
Miner,	57	25	22	90	1
New Brunswick, (burnt)		25	71	30	2
Napoleon,	167	52	67	00	9
Navarino,	147	75	59	10	13
Nile,	74	44	29	77	6

A SECTION ASSESSMENT OF THE SECTION ASSESSME	Measur	rement	Canal tolls at	No. of
Names of Boats.	Tons	95th	40 cts. per ton	trips
· · · · · · · · · · · · · · · · · · ·			Dol. Cts.	1833.
Orleans,	326	82	130 72	6
Ohio	273	47	109 38	3
Ouachita,	160	25	64 10	1
Osage,	89	39	35 75	3
O'Connel,	107	46	42 98	2
Olive Branch,	76	59	30 62	4
Orion,	65	69	26 27	1
Philadelphia,	442	00	176 80	1
Powhatan,	269	06	107 62	5
Peruvian, (sunk)	226	00	90 40	2
Polander,	118	77	47 50	13
Paragon,	89	90	35 96	6
Portsmouth,	97	19	38 87	5
Pennsylvanian,	133	50	53 40	1
Red Rover,	437	50	175 00	1
Return,	126	90	50 75	9
Robert Fulton,	128	08	51 23	5
Rambler, No. 1, (burnt)	91	81	36 72	3
Rambler, No. 2,	114	83 51	45 93	2
Republican,	32	88	8 60	$\frac{1}{2}$
Richmond,	38	68	13 15 15 47	
Rising Sun,	70	83	15 47 28 33	1
Reliance,	354	66	141 86	5
Splendid,	181	78	72 71	6
Senator,	198	18	79 27	6
Samson, Superior,	174	60	69 84	8
Scotland,	158	22	63 32	6
Signal,	140	87	56 34	3
Statesman,	136	76	54 70	5
Sentinel, (burnt)	151	82	60 72	2
St. Martin, (blown up)		41	57 36	î
Sylph,	60	24	24 09	3
Sea Gull,	50	00	20 00	2
St. Leon Ferry,	74	51	29 80	1
Tuscarora,	286	86	114 74	1
Tippecanoe,	135	63	54 25	7
Transport,	126	90	50 76	5
Tally-Ho,	142	22	56 88	3
Trenton, (sunk)	135	81	54 32	2
Telegraph,	188	30	75 32	3
Thomas Yeatman,	113	53	45 41	2
Uncle Sam,	468	91	187 56	3
Van Buren,	94	65	37 86	1
Vermillion,	138	00	55 20	2
Veteran,	86	16	34 46	4
Vincennes,	95	62	38 24	1
Warren,	290	50	116 20	1
				SPERSON IN

	Measurement		Canal t	Canal tolls at		
Names of Boats.	Tons	95ths	40 cts. p	40 cls. per lon		
1. 法国际国际 1. 可证明 2. 6.5			Dol.	Cts	1833	
Watchman,	118	19	47	27	2	
Warsaw,	146	45	58	58	10	
Wyoming,	105	20	42	08	11	
Winnebago,	95	00	38	00	1	
Wm. Parsons,	116	63	46	65	7	
Wm. Penn,	84	06	33	62	9	
Waterloo,	90	10	36	04	9	
Warrior,	100	23	40	09	1	
Wm. Wallace,	60	00	24	00	3	

In addition to the above, 710 Flat and Keel Boats, &c. have passed through the Locks.

JOHN HULME, COLLECTOR.

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